

CUSTOMS BULLETIN AND DECISIONS

***Weekly Compilation of
Decisions, Rulings, Regulations, Notices, and Abstracts
Concerning Customs and Related Matters of the
Bureau of Customs and Border Protection
U.S. Court of Appeals for the Federal Circuit
and
U.S. Court of International Trade***

VOL. 38

JUNE 16, 2004

NO. 25

This issue contains:

Bureau of Customs and Border Protection
CBP Decisions 04-17 and 04-18
General Notices
U.S. Court of International Trade
Slip Op. 04-56 and 04-57

NOTICE

The decisions, rulings, regulations, notices and abstracts which are published in the CUSTOMS BULLETIN are subject to correction for typographical or other printing errors. Users may notify the Bureau of Customs and Border Protection, Office of Finance, Logistics Division, National Support Services Center, Washington, DC 20229, of any such errors in order that corrections may be made before the bound volumes are published.

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Web at: <http://www.cbp.gov>

Bureau of Customs and Border Protection

CBP Decisions

(CBP Dec. 04-17)

FOREIGN CURRENCIES

DAILY RATES FOR COUNTRIES NOT ON QUARTERLY LIST FOR MAY, 2004

The Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, has certified buying rates for the dates and foreign currencies shown below. The rates of exchange, based on these buying rates, are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Holiday(s): May 31, 2004

European Union euro:

May 1, 2004	\$1.197500
May 2, 2004	1.197500
May 3, 2004	1.193700
May 4, 2004	1.207600
May 5, 2004	1.216500
May 6, 2004	1.209000
May 7, 2004	1.188500
May 8, 2004	1.188500
May 9, 2004	1.188500
May 10, 2004	1.183400
May 11, 2004	1.181800
May 12, 2004	1.191100
May 13, 2004	1.180100
May 14, 2004	1.187400
May 15, 2004	1.187400
May 16, 2004	1.187400
May 17, 2004	1.200900
May 18, 2004	1.197100
May 19, 2004	1.201500
May 20, 2004	1.192600
May 21, 2004	1.200900
May 22, 2004	1.200900
May 23, 2004	1.200900
May 24, 2004	1.197800
May 25, 2004	1.210700

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly
list for May 2004 (continued):

European Union euro: (continued):

May 26, 2004	1.210200
May 27, 2004	1.227400
May 28, 2004	1.221700
May 29, 2004	1.221700
May 30, 2004	1.221700
May 31, 2004	1.221700

South Korea won:

May 1, 2004	\$0.000852
May 2, 2004 .....	.000852
May 3, 2004 .....	.000853
May 4, 2004 .....	.000853
May 5, 2004 .....	.000856
May 6, 2004 .....	.000857
May 7, 2004 .....	.000853
May 8, 2004 .....	.000853
May 9, 2004 .....	.000853
May 10, 2004 .....	.000840
May 11, 2004 .....	.000841
May 12, 2004 .....	.000846
May 13, 2004 .....	.000843
May 14, 2004 .....	.000842
May 15, 2004 .....	.000842
May 16, 2004 .....	.000842
May 17, 2004 .....	.000845
May 18, 2004 .....	.000844
May 19, 2004 .....	.000852
May 20, 2004 .....	.000848
May 21, 2004 .....	.000850
May 22, 2004 .....	.000850
May 23, 2004 .....	.000850
May 24, 2004 .....	.000848
May 25, 2004 .....	.000848
May 26, 2004 .....	.000847
May 27, 2004 .....	.000855
May 28, 2004 .....	.000858
May 29, 2004 .....	.000858
May 30, 2004 .....	.000858
May 31, 2004 .....	.000858

Taiwan N.T. dollar:

May 1, 2004	\$0.030057
May 2, 2004 .....	.030057
May 3, 2004 .....	.030066
May 4, 2004 .....	.030139
May 5, 2004 .....	.030157
May 6, 2004 .....	.030175
May 7, 2004 .....	.029949
May 8, 2004 .....	.029949

FOREIGN CURRENCIES—Daily rates for Countries not on quarterly list for May 2004 (continued):

Taiwan N.T. dollar: (continued):

May 9, 2004 .....	.029949
May 10, 2004 .....	.029674
May 11, 2004 .....	.029762
May 12, 2004 .....	.029940
May 13, 2004 .....	.029842
May 14, 2004 .....	.029806
May 15, 2004 .....	.029806
May 16, 2004 .....	.029806
May 17, 2004 .....	.029744
May 18, 2004 .....	.029735
May 19, 2004 .....	.029967
May 20, 2004 .....	.029771
May 21, 2004 .....	.029860
May 22, 2004 .....	.029860
May 23, 2004 .....	.029860
May 24, 2004 .....	.029860
May 25, 2004 .....	.029869
May 26, 2004 .....	.029878
May 27, 2004 .....	.029958
May 28, 2004 .....	.029976
May 29, 2004 .....	.029976
May 30, 2004 .....	.029976
May 31, 2004 .....	.029976

Dated: June 1, 2004

RICHARD B. LAMAN,
Chief,
Customs Information Exchange.

(CBP Dec. 04-18)

FOREIGN CURRENCIES

VARIANCES FROM QUARTERLY RATES FOR MAY, 2004

The following rates of exchange are based upon rates certified to the Secretary of the Treasury by the Federal Reserve Bank of New York, pursuant to 31 U.S.C. 5151, and reflect variances of 5 per centum or more from the quarterly rates published in CBP Decision ____-____ for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following rates.

Holiday(s): May 31, 2004

FOREIGN CURRENCIES—Variances from quarterly rates for May 2004 (continued):

Australia dollar:

May 1, 2004	\$0.721000
May 2, 2004 .....	.721000
May 3, 2004 .....	.719800
May 4, 2004 .....	.728400
May 6, 2004 .....	.723800
May 7, 2004 .....	.703100
May 8, 2004 .....	.703100
May 9, 2004 .....	.703100
May 10, 2004 .....	.691000
May 11, 2004 .....	.695300
May 12, 2004 .....	.696200
May 13, 2004 .....	.688200
May 14, 2004 .....	.689500
May 15, 2004 .....	.689500
May 16, 2004 .....	.689500
May 17, 2004 .....	.688700
May 18, 2004 .....	.686600
May 19, 2004 .....	.697800
May 20, 2004 .....	.693000
May 21, 2004 .....	.700800
May 22, 2004 .....	.700800
May 23, 2004 .....	.700800
May 24, 2004 .....	.698200
May 25, 2004 .....	.706000
May 26, 2004 .....	.705900
May 27, 2004 .....	.717900
May 28, 2004 .....	.713800
May 29, 2004 .....	.713800
May 30, 2004 .....	.713800
May 31, 2004 .....	.713800

Brazil real:

May 7, 2004	\$0.324254
May 8, 2004 .....	.324254
May 9, 2004 .....	.324254
May 10, 2004 .....	.322061
May 11, 2004 .....	.324149
May 12, 2004 .....	.319846
May 13, 2004 .....	.320513
May 14, 2004 .....	.323415
May 15, 2004 .....	.323415
May 16, 2004 .....	.323415
May 17, 2004 .....	.319898
May 18, 2004 .....	.320307
May 19, 2004 .....	.321130
May 20, 2004 .....	.311672
May 21, 2004 .....	.313775
May 22, 2004 .....	.313775
May 23, 2004 .....	.313775

FOREIGN CURRENCIES—Variances from quarterly rates for May 2004 (continued):

Brazil real: (continued):

May 24, 2004 .....	.312354
May 25, 2004 .....	.317712
May 26, 2004 .....	.314465
May 27, 2004 .....	.317712
May 28, 2004 .....	.321440
May 29, 2004 .....	.321440
May 30, 2004 .....	.321440
May 31, 2004 .....	.321440

Canada dollar:

May 6, 2004	\$0.725479
May 7, 2004 .....	.721605
May 8, 2004 .....	.721605
May 9, 2004 .....	.721605
May 10, 2004 .....	.717669
May 11, 2004 .....	.721189
May 12, 2004 .....	.720565
May 13, 2004 .....	.715820
May 14, 2004 .....	.717978
May 15, 2004 .....	.717978
May 16, 2004 .....	.717978
May 17, 2004 .....	.721761
May 18, 2004 .....	.718752
May 19, 2004 .....	.726269
May 25, 2004 .....	.726586

Japan yen:

May 1, 2004	\$0.009060
May 2, 2004 .....	.009060
May 3, 2004 .....	.009063
May 4, 2004 .....	.009089
May 6, 2004 .....	.009126
May 7, 2004 .....	.008905
May 8, 2004 .....	.008905
May 9, 2004 .....	.008905
May 10, 2004 .....	.008770
May 11, 2004 .....	.008797
May 12, 2004 .....	.008833
May 13, 2004 .....	.008753
May 14, 2004 .....	.008749
May 15, 2004 .....	.008749
May 16, 2004 .....	.008749
May 17, 2004 .....	.008764
May 18, 2004 .....	.008767
May 19, 2004 .....	.008868
May 20, 2004 .....	.008835
May 21, 2004 .....	.008921
May 22, 2004 .....	.008921

FOREIGN CURRENCIES—Variances from quarterly rates for May 2004 (continued):

Japan yen: (continued):

May 23, 2004.....	.008921
May 24, 2004.....	.008876
May 25, 2004.....	.008912
May 26, 2004.....	.008953
May 27, 2004.....	.009028
May 28, 2004.....	.009076
May 29, 2004.....	.009076
May 30, 2004.....	.009076
May 31, 2004.....	.009076

New Zealand dollar:

May 1, 2004.....	\$0.624200
May 2, 2004.....	.624200
May 3, 2004.....	.625900
May 4, 2004.....	.632800
May 6, 2004.....	.631500
May 7, 2004.....	.616800
May 8, 2004.....	.616800
May 9, 2004.....	.616800
May 10, 2004.....	.603200
May 11, 2004.....	.604300
May 12, 2004.....	.610800
May 13, 2004.....	.602000
May 14, 2004.....	.604000
May 15, 2004.....	.604000
May 16, 2004.....	.604000
May 17, 2004.....	.604000
May 18, 2004.....	.599500
May 19, 2004.....	.608000
May 20, 2004.....	.603800
May 21, 2004.....	.611200
May 22, 2004.....	.611200
May 23, 2004.....	.611200
May 24, 2004.....	.609000
May 25, 2004.....	.616800
May 26, 2004.....	.618700
May 28, 2004.....	.628500
May 29, 2004.....	.628500
May 30, 2004.....	.628500
May 31, 2004.....	.628500

South Africa rand:

May 1, 2004.....	\$0.144092
May 2, 2004.....	.144092
May 3, 2004.....	.143062
May 4, 2004.....	.144844
May 5, 2004.....	.146520
May 6, 2004.....	.144823
May 7, 2004.....	.141784

FOREIGN CURRENCIES—Variances from quarterly rates for May 2004
(continued):

South Africa rand: (continued):

May 8, 2004 .....	.141784
May 9, 2004 .....	.141784
May 10, 2004 .....	.141844
May 11, 2004 .....	.144446
May 12, 2004 .....	.145985
May 13, 2004 .....	.143885
May 14, 2004 .....	.147221
May 15, 2004 .....	.147221
May 16, 2004 .....	.147221
May 17, 2004 .....	.147358
May 18, 2004 .....	.147929
May 19, 2004 .....	.148423
May 20, 2004 .....	.148148
May 21, 2004 .....	.148148
May 22, 2004 .....	.148148
May 23, 2004 .....	.148148

United Kingdom Pound sterling:

May 11, 2004	\$1.754400
May 13, 2004	1.758400
May 14, 2004	1.758400
May 15, 2004	1.758400
May 16, 2004	1.758400

Dated: June 1, 2004

RICHARD B. LAMAN,
Chief,
Customs Information Exchange.

General Notices

Notice of Cancellation of Customs Broker License

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security

ACTION: General Notice

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker license are canceled without prejudice.

<u>Name</u>	<u>License #</u>	<u>Issuing Port</u>
Paul T. Kimoto	04831	Honolulu
Air Express International Agency, Inc.	3024 & 03016	New York
Columbia Shipping Inc.	12259	San Francisco
Dateline Forwarding Services Inc.	13276	Atlanta
Jacky Maeder, Ltd.	10446	San Francisco
Celadon-Jacky Maeder Co.,	14412	San Francisco

DATED: May 26, 2004

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, June 3, 2004 (69 FR 31398)]

Retraction of Revocation Notice

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security

ACTION: General Notice

SUMMARY: The following Customs broker license was erroneously included in a list of revoked Customs broker licenses.

Name	License	Port Name
Clasquin-Laperriere CHB, Inc.	20088	Atlanta

Customs broker license No. 20088 remains valid.

DATED: May 21, 2004

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, June 1, 2004 (69 FR 30948)]

Notice of Cancellation of Customs Broker License

AGENCY: Bureau of Customs and Border Protection, U.S. Department of Homeland Security

ACTION: General Notice

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 USC 1641) and the Customs Regulations (19 CFR

111.51), the following Customs broker license are canceled with prejudice.

<u>Name</u>	<u>License #</u>	<u>Issuing Port</u>
Sherri N. Boynton	10691	Los Angeles

DATED: May 21, 2004

JAYSON P. AHERN,
*Assistant Commissioner,
Office of Field Operations.*

[Published in the Federal Register, June 1, 2004 (69 FR 30948)]

DISTRIBUTION OF CONTINUED DUMPING AND SUBSIDY OFFSET TO AFFECTED DOMESTIC PRODUCERS

AGENCY: Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of intent to distribute offset for Fiscal Year 2004.

SUMMARY: Pursuant to the Continued Dumping and Subsidy Offset Act of 2000, this document is U.S. Customs and Border Protection's notice of intention to distribute assessed antidumping or countervailing duties (known as the continued dumping and subsidy offset) for Fiscal Year 2004 in connection with antidumping duty orders or findings or countervailing duty orders. This document sets forth the list of individual antidumping duty orders or findings and countervailing duty orders, together with the affected domestic producers associated with each order or finding who are potentially eligible to receive a distribution. This document also provides the instructions for affected domestic producers to file written certifications to claim a distribution in relation to the listed orders or findings.

DATES: Written certifications to obtain a continued dumping and subsidy offset under a particular order or finding must be received by August 2, 2004.

ADDRESSES: Written certifications and any other correspondence should be addressed to the Assistant Commissioner, Office of Finance, U.S. Customs and Border Protection, National Finance Center, Attention: Sarah Buelo, P.O. Box 68940, Indianapolis, IN, 46268. Any delivery by an express or courier service requiring a street address may be addressed to 6026 Lakeside Blvd., Indianapolis, IN, 46278.

FOR FURTHER INFORMATION CONTACT: For questions re-

garding certifications, contact Sarah Buelo, National Finance Center, (317) 614-4462. For questions regarding legal aspects, contact L. LaToya Burley, Office of Regulations and Rulings, (202) 572-8793.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Continued Dumping and Subsidy Offset Act of 2000 (CDSOA) was enacted on October 28, 2000, as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 ("Act"). The provisions of the CDSOA are contained in title X (sections 1001 — 1003) of the Act.

The CDSOA, in section 1003 of the Act, amended title VII of the Tariff Act of 1930, by adding a new section 754 (codified at 19 U.S.C. 1675c) in order to provide that assessed duties received pursuant to a countervailing duty order, an antidumping duty order, or an antidumping duty finding under the Antidumping Act of 1921 must be distributed to affected domestic producers for certain qualifying expenditures that these producers incur after the issuance of such an order or finding. The term "affected domestic producer" means any manufacturer, producer, farmer, rancher or worker representative (including associations of such persons) that:

(A) was a petitioner or interested party in support of a petition with respect to which an antidumping order, a finding under the Antidumping Act of 1921, or a countervailing duty order has been entered, and

(B) remains in operation.

The distribution that these parties may receive is known as the continued dumping and subsidy offset.

List of Orders or Findings and Affected Domestic Producers

It is the responsibility of the U.S. International Trade Commission (USITC) to ascertain and timely forward to U.S. Customs and Border Protection (CBP) a list of the affected domestic producers that are potentially eligible to receive an offset in connection with an order or finding.

To this end, it is noted that the USITC has supplied CBP with the list of individual antidumping and countervailing duty cases, and the affected domestic producers associated with each case that are potentially eligible to receive an offset. This list appears at the end of this document.

CBP Regulations Implementing the CDSOA

It is noted that CBP published a final rule in the Federal Register (66 FR 48546) on September 21, 2001, as T.D. 01-68, which was effective as of that date, in order to implement the CDSOA. The final

rule added a new subpart F to part 159 of the CBP Regulations (19 CFR part 159, subpart F (§§ 159.61 — 159.64)).

Notice of Intent to Distribute Offset

This document announces that CBP intends to distribute to affected domestic producers the assessed antidumping or countervailing duties that are available for distribution in Fiscal Year 2004 in connection with those antidumping duty orders or findings or countervailing duty orders that are listed in this document. Section 159.62(a), CBP Regulations (19 CFR 159.62(a)), provides that CBP will publish such a notice of intention to distribute assessed duties at least 90 days before the end of a fiscal year.

Certifications; Submission and Content

To obtain a distribution of the offset under a given order or finding, an affected domestic producer must submit a certification to CBP indicating that the producer desires to receive a distribution.

As required by § 159.62(b), CBP Regulations (19 CFR 159.62(b)), this notice provides the case name and number of the order or finding concerned, as well as the specific instructions for filing a certification under § 159.63 to claim a distribution. Section 159.62(b) also provides that the dollar amounts subject to distribution that were contained in the Special Account for each listed order or finding would appear in this notice. However, these dollar amounts were not available in time for inclusion in this publication. The preliminary amounts will be posted on the CBP website (www.cbp.gov), for purposes of enabling affected domestic producers to determine whether it would be worthwhile to file a certification in a given case. The final amounts available for disbursement may be higher or lower than the preliminary amounts.

A successor to a company appearing on the list of affected domestic producers in this notice, or a member company of an association that appears on the list of affected domestic producers in this notice where the member company does not appear on the list, should consult §§ 159.61(b)(1)(i) or 159.61(b)(1)(ii), CBP Regulations (19 CFR 159.61(b)(1)(i) or 159.61(b)(1)(ii)) and see the note that appears at the end of this document regarding Candle Corporation of America.

Specifically, to obtain a distribution of the offset under a given order or finding, each affected domestic producer must timely submit a certification containing the required information detailed below as to the eligibility of the producer to receive the requested distribution and the total amount of the distribution that the producer is claiming. Certifications should be submitted to the Assistant Commissioner, Office of Finance, National Finance Center. The certification must enumerate the qualifying expenditures incurred by the domestic producer since the issuance of an order or finding and it must

demonstrate that the domestic producer is eligible to receive a distribution as an affected domestic producer.

As provided in § 159.63(a), CBP Regulations (19 CFR 159.63(a)), certifications to obtain a distribution of an offset must be received by CBP no later than 60 days after the date of publication of the notice of intent in the **Federal Register**. A list of all certifications received will be published on the CBP website shortly after the receipt deadline. This publication will not confirm acceptance or validity of the certification, but merely receipt of the certification.

While there is no established format for a certification, the certification must contain the following information:

1. The date of this **Federal Register** notice;
2. The Commerce case number;
3. The case name (product / country);
4. The name of the domestic producer and any name qualifier, if applicable (for example, any other name under which the domestic producer does business or is also known);
5. The address of the domestic producer (if a post office box, the secondary street address must also appear) including, if applicable, a specific room number or department;
6. The Internal Revenue Service (IRS) number (with suffix) of the domestic producer, employer identification number, or social security number, as applicable;
7. The specific business organization of the domestic producer (corporation, partnership, sole proprietorship);
8. The name(s) of any individual(s) designated by the domestic producer as the contact person(s) concerning the certification, together with the phone number(s) and/or facsimile transmission number(s) and electronic mail (email) address(es) for the person(s);
9. The total dollar amount claimed;
10. The dollar amount claimed by category, as described in the section below entitled "Amount Claimed for Distribution";
11. A statement of eligibility, as described in the section below entitled "Eligibility to Receive Distribution"; and
12. A signature by a corporate officer legally authorized to bind the producer.

Qualifying Expenditures which may be Claimed for Distribution

Qualifying expenditures which may be offset by a distribution of assessed antidumping and countervailing duties encompass those expenditures that are incurred after the issuance of an antidumping duty order or finding or a countervailing duty order, and prior to its termination, provided that such expenditures fall within any of the following categories: (1) Manufacturing facilities; (2) Equipment; (3) Research and development; (4) Personnel training; (5) Acquisition of technology; (6) Health care benefits for employees paid for by the

employer; (7) Pension benefits for employees paid for by the employer; (8) Environmental equipment, training, or technology; (9) Acquisition of raw materials and other inputs; and (10) Working capital or other funds needed to maintain production.

Amount Claimed for Distribution

In calculating the amount of the distribution being claimed as an offset, the certification must indicate: (1) The total amount of any qualifying expenditures currently and previously certified by the domestic producer, and the amount certified by category; (2) The total amount of those expenditures which have been the subject of any prior distribution under 19 U.S.C. 1675c; and (3) The net amount for new and remaining qualifying expenditures being claimed in the current certification (the total amount currently and previously certified as noted in item "(1)" above minus the total amount that was the subject of any prior distribution as noted in item "(2)" above). In accordance with 19 CFR 159.63(b)(2)(i) — (b)(2)(iii), CBP will deduct the amount of any prior distribution from the producer's claimed amount for that case. Total amounts disbursed by CBP under the CDSOA for Fiscal Year 2001, 2002 and 2003 are available on the CBP website.

Additionally, under 19 CFR 159.61(c), these qualifying expenditures must be related to the production of the same product that is the subject of the order or finding, with the exception of expenses incurred by associations which must relate to a specific case.

Eligibility to Receive Distribution

As noted, the certification must contain a statement that the domestic producer desires to receive a distribution and is eligible to receive the distribution as an affected domestic producer. Also, the domestic producer must affirm that the net amount certified for distribution does not encompass any qualifying expenditures for which distribution has previously been made (19 CFR 159.63(b)(3)(i)).

Furthermore, under § 159.63(b)(3)(ii), CBP Regulations (19 CFR 159.63(b)(3)(ii)), where a party is listed as an affected domestic producer on more than one order or finding covering the same product and files a separate certification for each order or finding using the same qualifying expenditures as the basis for distribution in each case, each certification must list all the other orders or findings where the producer is claiming the same qualifying expenditures.

Moreover, as required by 19 U.S.C. 1675c(b)(1) and § 159.63(b)(3)(iii), CBP Regulations (19 CFR 159.63(b)(3)(iii)), the statement must include information as to whether the domestic producer remains in operation and continues to produce the product covered by the particular order or finding under which the distribu-

tion is sought. If a domestic producer is no longer in operation, or no longer produces the product covered by the order or finding, the producer will not be considered an affected domestic producer entitled to receive a distribution.

In addition, as required by 19 U.S.C. 1675c(b)(5) and § 159.63(b)(3)(iii), CBP Regulations (19 CFR 159.63(b)(3)(iii)), the domestic producer must state whether it has been acquired by a company or business that is related to a company that opposed the anti-dumping or countervailing duty investigation that resulted in the order or finding under which the distribution is sought. If a domestic producer has been so acquired, the producer will not be considered an affected domestic producer entitled to receive a distribution.

The certification must be executed and dated by a party legally authorized to bind the domestic producer and it must state that the information contained in the certification is true and accurate to the best of the certifier's knowledge and belief under penalty of law, and that the domestic producer has records to support the qualifying expenditures being claimed (see section below entitled "Verification of Certification").

Review and Correction of Certification

A certification that is submitted in response to this notice of distribution may be reviewed before acceptance to ensure that all informational requirements are complied with and that any amounts set forth in the certification for qualifying expenditures, including the amount claimed for distribution, appear to be correct. A certification that is found to be materially incorrect or incomplete will be returned to the domestic producer as provided in § 159.63(c), CBP Regulations (19 CFR 159.63(c)). It is the sole responsibility of the domestic producer to ensure that the certification is correct, complete and satisfactory so as to demonstrate the entitlement of the domestic producer to the distribution requested. Failure to ensure that the certification is correct, complete and satisfactory will result in the domestic producer not receiving a distribution.

Verification of Certification

Certifications are subject to CBP's verification. Therefore, parties are required to maintain records supporting their claims for a period of five years after the filing of the certification (see § 159.63(d), CBP Regulations (19 CFR 159.63(d))). The records must be those that are normally kept in the ordinary course of business. The records must support each qualifying expenditure enumerated in the certification and they must support how the qualifying expenditures are determined to be related to the production of the product covered by the order or finding.

Disclosure of Information in Certifications; Acceptance by Producer

The name of the affected domestic producer, the total dollar amount claimed by that party on the certification, as well as the total dollar amount that CBP actually disburses to that company as an offset, will be available for disclosure to the public, as specified in § 159.63(e), CBP Regulations (19 CFR 159.63(e)). To this extent, the submission of the certification is construed as an understanding and acceptance on the part of the domestic producer that this information will be disclosed to the public. Alternatively, a statement in a certification that this information is proprietary and exempt from disclosure will result in CBP's rejection of the certification.

List of Orders or Findings and Related Domestic Producers

The list of individual antidumping duty orders or findings and countervailing duty orders is set forth below, together with the affected domestic producers associated with each order or finding that are potentially eligible to receive an offset.

Note Regarding Candle Corporation of America and Blyth, Inc. v. United States

On April 8, 2003, the U.S. Court of International Trade (CIT) issued a decision concerning a successor company claim for a distribution under the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA), 19 U.S.C. 1675c. Candle Corporation of America and Blyth, Inc. v. United States, No. 02-00751 Slip Op. 03-40 (Ct. Int'l Trade Apr. 8, 2003), appeal docketed, No. 03-1348 (Fed. Cir. April 28, 2003). The CIT found that the Candle Corporation of America (CCA) response to a 1986 ITC questionnaire "clearly indicates that CCA did not support the petition." Slip Op at 13. The CIT reasoned that, although 19 CFR 159.61(b)(1)(i) permits a "successor company" to file a certification to claim an offset on behalf of its predecessor, the "eligibility for certification under the regulation is subject to the limitations imposed by 19 U.S.C. 1675c, which requires that a claimant (1) have [petitioned] or supported the petition, and (2) remain in operation." Consequently, the CIT held that it was not arbitrary, capricious, an abuse of discretion or otherwise contrary to law for CBP to deny CCA's claim.

An appeal to the Federal Circuit has been filed. A final decision may affect future distributions. Assuming an appeal remains pending, CBP may withhold future distributions to affected companies.

DATED: 5/25/04

JO COHEN,
*Acting Assistant Commissioner,
Office of Finance.*

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-588-028	AA1921-111	Roller chain/ Japan	American Chain Association Acme Chain Division, North American Rockwell Atlas Chain & Precision Products Diamond Chain Link-Belt Chain Division, FMC Morse Chain Division, Borg Warner Rex Chainbelt
A-401-040	AA1921-114	Stainless steel plate/Sweden	Jessop Steel
A-588-041	AA1921-115	Synthetic methionine/Japan	Monsanto
A-588-046	AA1921-129	Polychloroprene rubber/Japan	E.I. du Pont de Nemours
A-122-047	AA1921-127	Elemental sulphur/Canada	Duval
A-588-056	AA1921-162	Melamine/Japan	Melamine Chemical
A-475-059	AA1921-167	Pressure-sensitive plastic tape/Italy	Minnesota Mining & Manufacturing
A-588-068	AA1921-188	Prestressed con- crete steel wire strand/Japan	American Spring Wire Armco Steel Bethlehem Steel CF&I Steel Florida Wire & Cable
C-408-046	104-TAA-7	Sugar/EU	No petition at the Com- mission; Commerce ser- vice list identifies: U.S. Beet Sugar Association Florida Sugar Marketing and Terminal Associa- tion American Sugar Cane League American Sugarbeet Growers Association

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-408-046 (continued)	104-TAA-7	Sugar/EU	Florida Sugar Cane League Rio Grande Valley Sugar Growers Association Michigan Sugar Amstar Sugar Sugar Cane Growers Cooperative of Florida Alexander & Baldwin Michigan Farm Bureau H&R Brokerage Talisman Sugar American Farm Bureau Federation Leach Farms A.J. Yates Hawaiian Agricultural Research Center United States Beet Sugar Association United States Cane Sugar Refiners' Association
A-423-077	AA1921-198	Sugar/Belgium	Florida Sugar Marketing and Terminal Association
A-427-078	AA1921-199	Sugar/France	Florida Sugar Marketing and Terminal Association
A-428-082	AA1921-200	Sugar/Germany	Florida Sugar Marketing and Terminal Association
A-122-085	731-TA-3	Sugar and syrups/Canada	Amstar Sugar
A-427-098	731-TA-25	Anhydrous sodium metasilicate/France	PQ
A-427-001	731-TA-44	Sorbitol/France	Lonza Pfizer
A-570-007	731-TA-149	Barium chloride/China	Chemical Products

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-570-101	731-TA-101	Greige polyester cotton printcloth/ China	Alice Manufacturing Clinton Mills Dan River Greenwood Mills Hamrick Mills M. Lowenstein Mayfair Mills Mount Vernon Mills
C-357-004	701-TA-A	Carbon steel wire rod/Argentina	Atlantic Steel Continental Steel Georgetown Steel North Star Steel Raritan River Steel
A-357-007	731-TA-157	Carbon steel wire rod/Argentina	Atlantic Steel Continental Steel Georgetown Steel North Star Steel Raritan River Steel
A-469-007	731-TA-126	Potassium permanganate/ Spain	Carus Chemical
A-570-001	731-TA-125	Potassium permanganate/ China	Carus Chemical
A-570-002	731-TA-130	Chloropicrin/ China	LCP Chemicals & Plastics Niklor Chemical
C-533-063	303-TA-13	Iron metal castings/India	Campbell Foundry Le Baron Foundry Municipal Castings Neenah Foundry Pinkerton Foundry U.S. Foundry & Manufacturing Vulcan Foundry
A-122-503	731-TA-263	Iron construction castings/Canada	Alhambra Foundry Allegheny Foundry Bingham & Taylor Campbell Foundry Charlotte Pipe & Foundry Deeter Foundry

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-122-503 (continued)	731-TA-263	Iron construction castings/Canada	East Jordan Foundry Le Baron Foundry Municipal Castings Neenah Foundry Opelika Foundry Pinkerton Foundry Tyler Pipe U.S. Foundry & Manufacturing Vulcan Foundry
A-351-503	731-TA-262	Iron construction castings/Brazil	Alhambra Foundry Allegheny Foundry Bingham & Taylor Campbell Foundry Charlotte Pipe & Foundry Deeter Foundry East Jordan Foundry Le Baron Foundry Municipal Castings Neenah Foundry Opelika Foundry Pinkerton Foundry Tyler Pipe U.S. Foundry & Manufacturing Vulcan Foundry
A-570-502	731-TA-265	Iron construction castings/China	Alhambra Foundry Allegheny Foundry Bingham & Taylor Campbell Foundry Charlotte Pipe & Foundry Deeter Foundry East Jordan Foundry Le Baron Foundry Municipal Castings Neenah Foundry Opelika Foundry Pinkerton Foundry Tyler Pipe U.S. Foundry & Manufacturing Vulcan Foundry

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-351-504	701-TA-249	Heavy iron construction castings/ Brazil	Alhambra Foundry Allegheny Foundry Bingham & Taylor Campbell Foundry Charlotte Pipe & Foundry Deeter Foundry East Jordan Foundry Le Baron Foundry Municipal Castings Neenah Foundry Opelika Foundry Pinkerton Foundry Tyler Pipe U.S. Foundry & Manufacturing Vulcan Foundry
A-351-605	731-TA-326	Frozen concentrated orange juice/ Brazil	Alcoma Packing B&W Canning Berry Citrus Products Caulkins Indiantown Citrus Citrus Belle Citrus World Florida Citrus Mutual
A-570-825	731-TA-653	Sebacic acid/ China	Union Camp
C-122-404	701-TA-224	Live swine/ Canada	National Pork Producers Council Wilson Foods
A-357-405	731-TA-208	Barbed wire and barbless wire strand/ Argentina	CF&I Steel Davis Walker Forbes Steel & Wire Oklahoma Steel Wire
A-570-501	731-TA-244	Natural bristle paint brushes/ China	Baltimore Brush Bestt Liebo Elder & Jenks EZ Paint H&G Industries Joseph Lieberman & Sons Purdy Rubberset Thomas Paint Applicators Wooster Brush

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-570-003	731-TA-103	Cotton shop towels/China	Milliken Texel Industries Wikit
C-535-001	701-TA-202	Cotton shop towels/Pakistan	Milliken
C-333-401	701-TA-E	Cotton shop towels/Peru	No case at the Commission; Commerce service list identifies: Durafab Kleen-Tex Industries Pavis & Harcourt Lewis Eckert Robb Milliken
A-538-802	731-TA-514	Cotton shop towels/Bangladesh	Milliken
A-570-504	731-TA-282	Petroleum wax candles/China	The A. I. Root Company Candle Artisans, Inc. Candle-Lite Cathedral Candle Colonial Candle of Cape Cod General Wax & Candle Lenox Candles Lumi-Lite Candle Meuch-Kreuzer Candle National Candle Association Will & Baumer WNS
A-588-045	AA1921-124	Steel wire rope/Japan	AMSTED Industries
A-201-806	731-TA-547	Carbon steel wire rope/Mexico	Bridon American Macwhyte Paulsen Wire Rope The Rochester Corporation Williamsport Wire-rope Works Wire Rope Corporation of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-201-806	731-TA-547	Carbon steel wire rope/Mexico	United Automobile, Aerospace and Agricultural Implement Workers (Local 960)
A-580-811	731-TA-546	Carbon steel wire rope/Korea	Bridon American Macwhyte Paulsen Wire Rope The Rochester Corporation Williamsport Wire-rope Works Wire Rope Corporation of America United Automobile, Aerospace and Agricultural Implement Workers (Local 960)
A-351-505	731-TA-278	Malleable cast iron pipe fittings/Brazil	Stanley G. Flagg Grinnell Stockham Valves & Fittings U-Brand Ward Manufacturing
A-580-507	731-TA-279	Malleable cast iron pipe fittings/Korea	Stanley G. Flagg Grinnell Stockham Valves & Fittings U-Brand Ward Manufacturing
A-583-507	731-TA-280	Malleable cast iron pipe fittings/Taiwan	Stanley G. Flagg Grinnell Stockham Valves & Fittings U-Brand Ward Manufacturing
A-588-605	731-TA-347	Malleable cast iron pipe fittings/Japan	Stanley G. Flagg Grinnell Stockham Valves & Fittings U-Brand Ward Manufacturing

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-549-601	731-TA-348	Malleable cast iron pipe fittings/ Thailand	Stanley G. Flagg Grinnell Stockham Valves & Fittings U-Brand Ward Manufacturing
A-570-506	731-TA-298	Porcelain-on-steel cooking ware/ China	General Housewares
A-201-504	731-TA-297	Porcelain-on-steel cooking ware/ Mexico	General Housewares
A-583-508	731-TA-299	Porcelain-on-steel cooking ware/ Taiwan	General Housewares
C-201-505	701-TA-265	Porcelain-on-steel cooking ware/ Mexico	General Housewares
A-580-601	731-TA-304	Top-of-the-stove stainless steel cooking ware/ Korea	Farberware Regal Ware Revere Copper & Brass WearEver/Proctor Silex
C-580-602	701-TA-267	Top-of-the-stove stainless steel cooking ware/ Korea	Farberware Regal Ware Revere Copper & Brass WearEver/Proctor Silex
A-583-603	731-TA-305	Top-of-the-stove stainless steel cooking ware/ Taiwan	Farberware Regal Ware Revere Copper & Brass WearEver/Proctor Silex
C-583-604	701-TA-268	Top-of-the-stove stainless steel cooking ware/ Taiwan	Farberware Regal Ware Revere Copper & Brass WearEver/Proctor Silex
C-351-604	701-TA-269	Brass sheet and strip/Brazil	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-351-604 (continued)	701-TA-269	Brass sheet and strip/Brazil	Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-351-603	731-TA-311	Brass sheet and strip/Brazil	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-122-601	731-TA-312	Brass sheet and strip/Canada	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-580-603	731-TA-315	Brass sheet and strip/Korea	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-427-602	731-TA-313	Brass sheet and strip/France	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
C-427-603	701-TA-270	Brass sheet and strip/France	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-427-603 (continued)	701-TA-270	Brass sheet and strip/France	Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-428-602	731-TA-317	Brass sheet and strip/Germany	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-475-601	731-TA-314	Brass sheet and strip/Italy	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-401-601	731-TA-316	Brass sheet and strip/Sweden	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-401-601 (continued)	731-TA-316	Brass sheet and strip/Sweden	Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-588-704	731-TA-379	Brass sheet and strip/Japan	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company North Coast Brass & Copper Olin Pegg Metals Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-421-701	731-TA-380	Brass sheet and strip/Netherlands	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company North Coast Brass & Copper Olin Pegg Metals Revere Copper Products Allied Industrial Workers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-421-701 (continued)	731-TA-380	Brass sheet and strip/Netherlands	International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-831-801	731-TA-340-A	Solid urea/ Armenia	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-822-801	731-TA-340-B	Solid urea/Belarus	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-447-801	731-TA-340-C	Solid urea/Estonia	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-451-801	731-TA-340-D	Solid urea/ Lithuania	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-485-601	731-TA-339	Solid urea/ Romania	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-821-801	731-TA-340-E	Solid urea/Russia	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-842-801	731-TA-340-F	Solid urea/ Tajikistan	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-843-801	731-TA-340-G	Solid urea/ Turkmenistan	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-823-801	731-TA-340-H	Solid urea/ Ukraine	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-844-801	731-TA-340-I	Solid urea/ Uzbekistan	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
C-508-605	701-TA-286	Industrial phosphoric acid/Israel	Albright & Wilson FMC Hydrite Chemical Monsanto Stauffer Chemical

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-423-602	731-TA-365	Industrial phosphoric acid/ Belgium	Albright & Wilson FMC Hydrite Chemical Monsanto Stauffer Chemical
A-489-602	731-TA-364	Aspirin/Turkey	Dow Chemical Monsanto Norwich-Eaton
A-122-605	731-TA-367	Color picture tubes/Canada	Philips Electronic Components Group Zenith Electronics Industrial Union Department, AFL-CIO International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers United Steelworkers of America
A-588-609	731-TA-368	Color picture tubes/Japan	Philips Electronic Components Group Zenith Electronics Industrial Union Department, AFL-CIO International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers United Steelworkers of America
A-580-605	731-TA-369	Color picture tubes/Korea	Philips Electronic Components Group Zenith Electronics Industrial Union Department, AFL-CIO

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-580-605 (continued)	731-TA-369	Color picture tubes/Korea	International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers United Steelworkers of America
A-559-601	731-TA-370	Color picture tubes/Singapore	Philips Electronic Components Group Zenith Electronics Industrial Union Department, AFL-CIO International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers United Steelworkers of America
A-588-054	AA1921-143	Tapered roller bearings 4 inches and under/Japan	No companies identified as petitioners at the Commission; Commerce service list identifies: Mitsubishi Nissan Motor Yamaha Motors NSK Hoover-NSK Bearing ITOCHU International Toyota Motor Sales Timken Nippon Seiko Kawasaki Heavy Duty Industries Komatsu America Nachi Western Ford Motor Federal Mogul

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-588-054 (continued)	AA1921-143	Tapered roller bearings 4 inches and under/Japan	Itocho Kanematsu-Goshu USA Nissan Motor USA Nachi America Motorambar Honda General Motors Sumitomo Koyo Seiko American Honda Motor Subaru of America Suzuki Motor Kubota Tractor Isuzu Nachi-Fujikoshi NTN
A-570-601	731-TA-344	Tapered roller bearings/China	L&S Bearing Timken Torrington
A-437-601	731-TA-341	Tapered roller bearings/Hungary	L&S Bearing Timken Torrington
A-485-602	731-TA-345	Tapered roller bearings/Romania	L&S Bearing Timken Torrington
A-588-604	731-TA-343	Tapered roller bearings over 4 inches/Japan	L&S Bearing Timken Torrington
A-427-801	731-TA-392-A	Ball bearings/France	Emerson Power Transmission Kubar Bearings McGill Manufacturing Co. MPB Rollway Bearings Torrington
A-427-801	731-TA-392-B	Cylindrical roller bearings/France	Emerson Power Transmission MPB Rollway Bearings Torrington

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-427-801	731-TA-392-C	Spherical plain bearings/France	Emerson Power Transmission McGill Manufacturing Co. Rollway Bearings Torrington
A-428-801	731-TA-391-A	Ball bearings/Germany	Emerson Power Transmission Kubar Bearings McGill Manufacturing Co. MPB Rollway Bearings Torrington
A-428-801	731-TA-391-B	Cylindrical roller bearings/Germany	Emerson Power Transmission MPB Rollway Bearings Torrington
A-428-801	731-TA-391-C	Spherical plain bearings/Germany	Emerson Power Transmission Rollway Bearings Torrington
A-475-801	731-TA-393-A	Ball bearings/Italy	Emerson Power Transmission Kubar Bearings McGill Manufacturing Co. MPB Rollway Bearings Torrington
A-475-801	731-TA-393-B	Cylindrical roller bearings/Italy	Emerson Power Transmission MPB Rollway Bearings Torrington
A-588-804	731-TA-394-A	Ball bearings/Japan	Emerson Power Transmission Kubar Bearings McGill Manufacturing Co. MPB Rollway Bearings Torrington

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-588-804	731-TA-394-B	Cylindrical roller bearings/Japan	Emerson Power Transmission MPB Rollway Bearings Torrington
A-588-804	731-TA-394-C	Spherical plain bearings/Japan	Emerson Power Transmission Rollway Bearings Torrington
A-485-801	731-TA-395	Ball bearings/Romania	Emerson Power Transmission Kubar Bearings MPB Rollway Bearings Torrington
A-559-801	731-TA-396	Ball bearings/Singapore	Emerson Power Transmission Kubar Bearings McGill Manufacturing Co. MPB Rollway Bearings Torrington
A-401-801	731-TA-397-A	Ball bearings/Sweden	Emerson Power Transmission Kubar Bearings MPB Rollway Bearings Torrington
A-401-801	731-TA-397-B	Cylindrical roller bearings/Sweden	Emerson Power Transmission MPB Rollway Bearings Torrington
A-412-801	731-TA-399-A	Ball Bearings/United Kingdom	Emerson Power Transmission Kubar Bearings McGill Manufacturing Co. MPB Rollway Bearings Torrington

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-412-801	731-TA-399-B	Cylindrical roller bearings/United Kingdom	Emerson Power Transmission MPB Rollway Bearings Torrington
A-588-703	731-TA-377	Internal combustion industrial forklift trucks/Japan	Hyster Ad-Hoc Group of Workers from Hyster's Berea, Kentucky and Sulligent, Alabama Facilities Allied Industrial Workers of America Independent Lift Truck Builders Union International Association of Machinists & Aerospace Workers United Shop & Service Employees
A-588-706	731-TA-384	Nitrile rubber/Japan	Uniroyal Chemical
A-583-008	731-TA-132	Small diameter carbon steel pipe and tube/Taiwan	Allied Tube & Conduit American Tube Bull Moose Tube Copperweld Tubing J&L Steel Kaiser Steel Merchant Metals Pittsburgh Tube Southwestern Pipe Western Tube & Conduit
C-489-502	701-TA-253	Welded carbon steel pipe and tube/Turkey	Allied Tube & Conduit American Tube Bernard Epps Bock Industries Bull Moose Tube Central Steel Tube Century Tube Copperweld Tubing Cyclops Hughes Steel & Tube Kaiser Steel Laclede Steel Maruichi American

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-489-502 (continued)	701-TA-253	Welded carbon steel pipe and tube/ Turkey	Maverick Tube Merchant Metals Phoenix Steel Pittsburgh Tube Quanex Sharon Tube Southwestern Pipe UNR-Leavitt Welded Tube Western Tube & Conduit Wheatland Tube
A-549-502	731-TA-252	Welded carbon steel pipe and tube/ Thailand	Allied Tube & Conduit American Tube Bernard Epps Bock Industries Bull Moose Tube Central Steel Tube Century Tube Copperweld Tubing Cyclops Hughes Steel & Tube Kaiser Steel Laclede Steel Maruichi American Maverick Tube Merchant Metals Phoenix Steel Pittsburgh Tube Quanex Sharon Tube Southwestern Pipe UNR-Leavitt Welded Tube Western Tube & Conduit Wheatland Tube
A-533-502	731-TA-271	Welded carbon steel pipe and tube/ India	Allied Tube & Conduit American Tube Bernard Epps Bock Industries Bull Moose Tube Central Steel Tube Century Tube Copperweld Tubing Cyclops Hughes Steel & Tube

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-533-502 (continued)	731-TA-271	Welded carbon steel pipe and tube/ India	Kaiser Steel Laclede Steel Maruichi American Maverick Tube Merchant Metals Phoenix Steel Pittsburgh Tube Quanex Sharon Tube Southwestern Pipe UNR-Leavitt Welded Tube Western Tube & Conduit Wheatland Tube
A-489-501	731-TA-273	Welded carbon steel pipe and tube/ Turkey	Allied Tube & Conduit American Tube Bernard Epps Bock Industries Bull Moose Tube Central Steel Tube Century Tube Copperweld Tubing Cyclops Hughes Steel & Tube Kaiser Steel Laclede Steel Maruichi American Maverick Tube Merchant Metals Phoenix Steel Pittsburgh Tube Quanex Sharon Tube Southwestern Pipe UNR-Leavitt Welded Tube Western Tube & Conduit Wheatland Tube
A-122-506	731-TA-276	Oil country tubular goods/Canada	CF&I Steel Copperweld Tubing Cyclops KPC Lone Star Steel LTV Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-122-506 (continued)	731-TA-276	Oil country tubular goods/Canada	Maverick Tube Quanex U.S. Steel
A-583-505	731-TA-277	Oil country tubular goods/Taiwan	CF&I Steel Copperweld Tubing Cyclops KPC Lone Star Steel LTV Steel Maverick Tube Quanex U.S. Steel
A-559-502	731-TA-296	Small diameter standard and rectangular pipe and tube/Singapore	Allied Tube & Conduit American Tube Bull Moose Tube Cyclops Hannibal Industries Laclede Steel Pittsburgh Tube Sharon Tube Western Tube & Conduit Wheatland Tube
A-583-803	731-TA-410	Light-walled rectangular tube/ Taiwan	Bull Moose Tube Hannibal Industries Harris Tube Maruichi American Searing Industries Southwestern Pipe Western Tube & Conduit
A-357-802	731-TA-409	Light-walled rectangular tube/ Argentina	Bull Moose Tube Hannibal Industries Harris Tube Maruichi American Searing Industries Southwestern Pipe Western Tube & Conduit
A-351-809	731-TA-532	Circular welded nonalloy steel pipe/ Brazil	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-351-809 (continued)	731-TA-532	Circular welded nonalloy steel pipe/ Brazil	Laclede Steel LTV Tubular Products Maruichi American Sharon Tube USX Western Tube & Conduit Wheatland Tube
A-580-809	731-TA-533	Circular welded nonalloy steel pipe/ Korea	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops Laclede Steel LTV Tubular Products Maruichi American Sharon Tube USX Western Tube & Conduit Wheatland Tube
A-201-805	731-TA-534	Circular welded nonalloy steel pipe/ Mexico	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops Laclede Steel LTV Tubular Products Maruichi American Sharon Tube USX Western Tube & Conduit Wheatland Tube
A-583-814	731-TA-536	Circular welded nonalloy steel pipe/ Taiwan	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops Laclede Steel LTV Tubular Products Maruichi American Sharon Tube USX Western Tube & Conduit Wheatland Tube

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-307-805	731-TA-537	Circular welded nonalloy steel pipe/ Venezuela	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops Laclede Steel LTV Tubular Products Maruichi American Sharon Tube USX Western Tube & Conduit Wheatland Tube
A-588-707	731-TA-386	Granular polytetrafluoroethylene/ Japan	E.I. du Pont de Nemours ICI Americas
A-475-703	731-TA-385	Granular polytetrafluoroethylene/ Italy	E.I. du Pont de Nemours ICI Americas
A-351-602	731-TA-308	Carbon steel butt-weld pipe fittings/ Brazil	Ladish Mills Iron Works Steel Forgings Tube Forgings of America Weldbend
A-583-605	731-TA-310	Carbon steel butt-weld pipe fittings/ Taiwan	Ladish Mills Iron Works Steel Forgings Tube Forgings of America Weldbend
A-588-602	731-TA-309	Carbon steel butt-weld pipe fittings/ Japan	Ladish Mills Iron Works Steel Forgings Tube Forgings of America Weldbend
A-570-814	731-TA-520	Carbon steel butt-weld pipe fittings/ China	Hackney Ladish Mills Iron Works Steel Forgings Tube Forgings of America
A-549-807	731-TA-521	Carbon steel butt-weld pipe fittings/ Thailand	Hackney Ladish Mills Iron Works Steel Forgings Tube Forgings of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-484-801	731-TA-406	Electrolytic manganese dioxide/ Greece	Chemetals Kerr-McGee Rayovac
A-588-806	731-TA-408	Electrolytic manganese dioxide/ Japan	Chemetals Kerr-McGee Rayovac
A-428-802	731-TA-419	Industrial belts/ Germany	The Gates Rubber Company The Goodyear Tire and Rubber Company
A-475-802	731-TA-413	Industrial belts/ Italy	The Gates Rubber Company The Goodyear Tire and Rubber Company
A-588-807	731-TA-414	Industrial belts/ Japan	The Gates Rubber Company The Goodyear Tire and Rubber Company
A-559-802	731-TA-415	Industrial belts/ Singapore	The Gates Rubber Company The Goodyear Tire and Rubber Company
A-427-009	731-TA-96	Industrial nitrocellulose/ France	Hercules
A-351-804	731-TA-439	Industrial nitrocellulose/ Brazil	Hercules
A-570-802	731-TA-441	Industrial nitrocellulose/ China	Hercules
A-428-803	731-TA-444	Industrial nitrocellulose/ Germany	Hercules
A-588-812	731-TA-440	Industrial nitrocellulose/ Japan	Hercules
A-580-805	731-TA-442	Industrial nitrocellulose/ Korea	Hercules

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-412-803	731-TA-443	Industrial nitrocellulose/ United Kingdom	Hercules
A-479-801	731-TA-445	Industrial nitrocellulose/ Yugoslavia	Hercules
A-122-804	731-TA-422	Steel rails/Canada	Bethlehem Steel CF&I Steel
C-122-805	701-TA-297	Steel rails/Canada	Bethlehem Steel CF&I Steel
A-588-811	731-TA-432	Drafting machines/Japan	Vemco
A-588-810	731-TA-429	Mechanical transfer presses/Japan	Allied Products United Autoworkers of America United Steelworkers of America
A-570-803	731-TA-457-A	Axes and adzes/ China	Warwood Tool Woodings-Verona
A-570-803	731-TA-457-B	Bars and wedges/ China	Warwood Tool Woodings-Verona
A-570-803	731-TA-457-C	Hammers and sledges/China	Warwood Tool Woodings-Verona
A-570-803	731-TA-457-D	Picks and mattocks/China	Warwood Tool Woodings-Verona
A-570-805	731-TA-466	Sodium thiosulfate/China	Calabrian
A-428-807	731-TA-465	Sodium thiosulfate/ Germany	Calabrian
A-412-805	731-TA-468	Sodium thiosulfate/United Kingdom	Calabrian
C-469-004	701-TA-178	Stainless steel wire rod/Spain	AL Tech Specialty Steel Armco Steel Carpenter Technology Colt Industries Cyclops Guterl Special Steel Joslyn Stainless Steels Republic Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-533-808	731-TA-638	Stainless steel wire rod/India	AL Tech Specialty Steel Armco Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-351-819	731-TA-636	Stainless steel wire rod/Brazil	AL Tech Specialty Steel Armco Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-427-811	731-TA-637	Stainless steel wire rod/France	AL Tech Specialty Steel Armco Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-580-810	731-TA-540	Welded ASTM A-312 stainless steel pipe/Korea	Avesta Sandvik Tube Bristol Metals Crucible Materials Damascus Tubular Products United Steelworkers of America
A-583-815	731-TA-541	Welded ASTM A-312 stainless steel pipe/Taiwan	Avesta Sandvik Tube Bristol Metals Crucible Materials Damascus Tubular Products United Steelworkers of America
A-403-801	731-TA-454	Fresh and chilled Atlantic salmon/Norway	Heritage Salmon The Coalition for Fair Atlantic Salmon Trade
C-403-802	701-TA-302	Fresh and chilled Atlantic salmon/Norway	Heritage Salmon The Coalition for Fair Atlantic Salmon Trade

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-580-807	731-TA-459	Polyethylene terephthalate film/ Korea	E.I. du Pont de Nemours Hoechst Celanese ICI Americas
A-570-804	731-TA-464	Sparklers/China	B.J. Alan Diamond Sparkler Elkton Sparkler
A-588-702	731-TA-376	Stainless steel butt-weld pipe fittings/Japan	Flowline Shaw Alloy Piping Products Taylor Forge Stainless
A-580-813	731-TA-563	Stainless steel butt-weld pipe fittings/Korea	Gerlin Markovitz Enterprises Shaw Alloy Piping Products Taylor Forge Stainless
A-583-816	731-TA-564	Stainless steel butt-weld pipe fittings/Taiwan	Gerlin Markovitz Enterprises Shaw Alloy Piping Products Taylor Forge Stainless
A-201-802	731-TA-451	Gray portland cement and clinker/ Mexico	Alamo Cement Blue Circle BoxCrow Cement Calaveras Cement Capitol Aggregates Centex Cement Florida Crushed Stone Gifford-Hill Hanson Permanente Cement Ideal Basic Industries National Cement Company of Alabama National Cement Company of California Phoenix Cement Riverside Cement Southdown Tarmac America Texas Industries Independent Workers of North America (Locals 49, 52, 89, 192, and 471)

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-201-802 (continued)	731-TA-451	Gray portland cement and clinker/ Mexico	International Union of Operating Engineers (Local 12)
A-588-815	731-TA-461	Gray portland cement and clinker/ Japan	Calaveras Cement Hanson Permanente Cement National Cement Co., Inc. National Cement Company of California Southdown Independent Workers of North America (Locals 49, 52, 89, 192, and 471) International Union of Operating Engineers (Local 12)
A-307-803	731-TA-519	Gray portland cement and clinker/ Venezuela	Florida Crushed Stone Southdown Tarmac America
C-307-804	303-TA-21	Gray portland cement and clinker/ Venezuela	Florida Crushed Stone Southdown Tarmac America
A-588-817	731-TA-469	Electro-luminescent flat-panel displays/ Japan	The Cherry Corporation Electro Plasma Magnascreen OIS Optical Imaging Systems Photonics Technology Planar Systems Plasmaco
A-570-808	731-TA-474	Chrome-plated lug nuts/China	Consolidated International Automotive Key Manufacturing McGard
A-583-810	731-TA-475	Chrome-plated lug nuts/Taiwan	Consolidated International Automotive Key Manufacturing McGard
A-122-814	731-TA-528	Pure magnesium/ Canada	Magnesium Corporation of America
C-122-815	701-TA-309-A	Alloy magnesium/ Canada	Magnesium Corporation of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-122-815	701-TA-309-B	Pure magnesium/Canada	Magnesium Corporation of America
A-557-805	731-TA-527	Extruded rubber thread/Malaysia	Globe Manufacturing North American Rubber Thread
A-843-802	731-TA-539	Uranium/ Kazakhstan	Ferret Exploration First Holding Geomex Minerals IMC Fertilizer Malapai Resources Pathfinder Mines Power Resources Rio Algom Mining Solution Mining Total Minerals Umetco Minerals Uranium Resources Oil, Chemical and Atomic Workers
A-821-802	731-TA-539-C	Uranium/Russia	Ferret Exploration First Holding Geomex Minerals IMC Fertilizer Malapai Resources Pathfinder Mines Power Resources Rio Algom Mining Solution Mining Total Minerals Umetco Minerals Uranium Resources Oil, Chemical and Atomic Workers
A-844-802	731-TA-539-F	Uranium/ Uzbekistan	Ferret Exploration First Holding Geomex Minerals IMC Fertilizer Malapai Resources Pathfinder Mines Power Resources Rio Algom Mining Solution Mining Total Minerals

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-844-802 (continued)	731-TA-539-F	Uranium/ Uzbekistan	Umetco Minerals Uranium Resources Oil, Chemical and Atomic Workers
A-823-802	731-TA-539-E	Uranium/Ukraine	Ferret Exploration First Holding Geomex Minerals IMC Fertilizer Malapai Resources Pathfinder Mines Power Resources Rio Algom Mining Solution Mining Total Minerals Umetco Minerals Uranium Resources Oil, Chemical and Atomic Workers
A-583-080	AA1921-197	Carbon steel plate/Taiwan	No petition (self-initiated by Treasury); Commerce service list identifies: U.S. Steel China Steel Bethlehem Steel
C-423-806	701-TA-319	Cut-to-length car- bon steel plate/ Belgium	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-351-818	701-TA-320	Cut-to-length car- bon steel plate/ Brazil	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-351-818 (continued)	701-TA-320	Cut-to-length carbon steel plate/ Brazil	National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-428-817	701-TA-322	Cut-to-length carbon steel plate/ Germany	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-201-810	701-TA-325	Cut-to-length carbon steel plate/ Mexico	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-469-804	701-TA-326	Cut-to-length carbon steel plate/ Spain	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-469-804 (continued)	701-TA-326	Cut-to-length carbon steel plate/ Spain	Thompson Steel U.S. Steel United Steelworkers of America
C-401-804	701-TA-327	Cut-to-length carbon steel plate/ Sweden	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-412-815	701-TA-328	Cut-to-length carbon steel plate/ United Kingdom	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-423-805	731-TA-573	Cut-to-length carbon steel plate/ Belgium	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-351-817	731-TA-574	Cut-to-length carbon steel plate/ Brazil	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-122-823	731-TA-575	Cut-to-length carbon steel plate/ Canada	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-405-802	731-TA-576	Cut-to-length carbon steel plate/ Finland	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-428-816	731-TA-578	Cut-to-length carbon steel plate/ Germany	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-201-809	731-TA-582	Cut-to-length carbon steel plate/ Mexico	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-455-802	731-TA-583	Cut-to-length carbon steel plate/ Poland	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-485-803	731-TA-584	Cut-to-length carbon steel plate/ Romania	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-469-803	731-TA-585	Cut-to-length carbon steel plate/ Spain	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-401-805	731-TA-586	Cut-to-length carbon steel plate/ Sweden	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-412-814	731-TA-587	Cut-to-length carbon steel plate/ United Kingdom	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-401-401	701-TA-231	Cold-rolled carbon steel flat products/ Sweden	Bethlehem Steel Chaparral U.S. Steel
C-428-817	701-TA-340	Cold-rolled carbon steel flat products/ Germany	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
C-580-818	701-TA-342	Cold-rolled carbon steel flat products/ Korea	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-580-818 (continued)	701-TA-342	Cold-rolled carbon steel flat products/ Korea	Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-428-814	731-TA-604	Cold-rolled carbon steel flat products/ Germany	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-580-815	731-TA-607	Cold-rolled carbon steel flat products/ Korea	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-421-804	731-TA-608	Cold-rolled carbon steel flat products/ Netherlands	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-421-804 (continued)	731-TA-608	Cold-rolled carbon steel flat products/ Netherlands	Inland Steel Industries LTV Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
C-427-810	701-TA-348	Corrosion-resistant carbon steel flat products/ France	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
C-428-817	701-TA-349	Corrosion-resistant carbon steel flat products/ Germany	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-428-817 (continued)	701-TA-349	Corrosion-resistant carbon steel flat products/ Germany	U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
C-580-818	701-TA-350	Corrosion-resistant carbon steel flat products/ Korea	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-602-803	731-TA-612	Corrosion-resistant carbon steel flat products/ Australia	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-122-822	731-TA-614	Corrosion-resistant carbon steel flat products/ Canada	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-427-808	731-TA-615	Corrosion-resistant carbon steel flat products/ France	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-428-815	731-TA-616	Corrosion-resistant carbon steel flat products/ Germany	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-428-815	731-TA-616	Corrosion-resistant carbon steel flat products/ Germany	National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-588-826	731-TA-617	Corrosion-resistant carbon steel flat products/ Japan	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Lukens Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-580-816	731-TA-618	Corrosion-resistant carbon steel flat products/ Korea	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Rouge Steel Co. Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-570-815	731-TA-538	Sulfanilic acid/ China	R-M Industries
A-533-806	731-TA-561	Sulfanilic acid/ India	R-M Industries
C-533-807	701-TA-318	Sulfanilic acid/ India	R-M Industries
A-570-806	731-TA-472	Silicon metal/ China	American Alloys Elkem Metals Globe Metallurgical Silicon Metaltech SiMETCO SKW Alloys International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693) Oil, Chemical and Atomic Workers (Local 389) Textile Processors, Service Trades, Health Care Professional and Techni- cal Employees (Local 60) United Steelworkers of America (Locals 5171, 8538, and 12646)
A-351-806	731-TA-471	Silicon metal/ Brazil	American Alloys Globe Metallurgical Silicon Metaltech SiMETCO International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693) Oil, Chemical and Atomic Workers (Local 389) Textile Processors, Service Trades, Health Care Professional and Techni- cal Employees (Local 60) United Steelworkers of America (Locals 5171, 8538, and 12646)

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-357-804	731-TA-470	Silicon metal/ Argentina	American Alloys Elkem Metals Globe Metallurgical Silicon Metaltech SiMETCO SKW Alloys International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693) Oil, Chemical and Atomic Workers (Local 389) Textile Processors, Service Trades, Health Care Professional and Techni- cal Employees (Local 60) United Steelworkers of America (Locals 5171, 8538, and 12646)
A-570-819	731-TA-567	Ferrosilicon/China	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
A-843-804	731-TA-566	Ferrosilicon/ Kazakhstan	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-823-804	731-TA-569	Ferrosilicon/ Ukraine	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
C-307-808	303-TA-23	Ferrosilicon/ Venezuela	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
A-821-804	731-TA-568	Ferrosilicon/ Russia	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-307-807	731-TA-570	Ferrosilicon/ Venezuela	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
A-351-820	731-TA-641	Ferrosilicon/Brazil	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
A-823-805	731-TA-673	Silicomanganese/ Ukraine	Elkem Metals Oil, Chemical and Atomic Workers (Local 3-639)
A-351-824	731-TA-671	Silicomanganese/ Brazil	Elkem Metals Oil, Chemical and Atomic Workers (Local 3-639)
A-570-828	731-TA-672	Silicomanganese/ China	Elkem Metals Oil, Chemical and Atomic Workers (Local 3-639)
A-583-820	731-TA-625	Helical spring lock washers/Taiwan	Illinois Tool Works
A-570-822	731-TA-624	Helical spring lock washers/China	Illinois Tool Works
A-533-809	731-TA-639	Forged stainless steel flanges/India	Gerlin Ideal Forging Maass Flange Markovitz Enterprises

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-583-821	731-TA-640	Forged stainless steel flanges/ Taiwan	Gerlin Ideal Forging Maass Flange Markovitz Enterprises
A-421-805	731-TA-652	Aramid fiber/ Netherlands	E.I. du Pont de Nemours
C-475-812	701-TA-355	Grain-oriented silicon electrical steel/Italy	Allegheny Ludlum Armco Steel Butler Armco Independent Union United Steelworkers of America Zanesville Armco Independent Union
A-588-831	731-TA-660	Grain-oriented silicon electrical steel/Japan	Allegheny Ludlum Armco Steel United Steelworkers of America
A-475-811	731-TA-659	Grain-oriented silicon electrical steel/Italy	Allegheny Ludlum Armco Steel Butler Armco Independent Union United Steelworkers of America Zanesville Armco Independent Union
A-570-831	731-TA-683	Fresh garlic/China	A&D Christopher Ranch Belridge Packing Colusa Produce Denice & Filice Packing El Camino Packing The Garlic Company Vessey and Company
A-570-826	731-TA-663	Paper clips/China	ACCO USA Labelon/Noesting TRICO Manufacturing

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-570-827	731-TA-669	Cased pencils/ China	Blackfeet Indian Writing Instrument Dixon-Ticonderoga Empire Berol Faber-Castell General Pencil J.R. Moon Pencil Musgrave Pen & Pencil Panda Writing Instrument Manufacturers Association, Pencil Section
A-570-830	731-TA-677	Coumarin/China	Rhone-Poulenc
A-351-825	731-TA-678	Stainless steel bar/Brazil	AL Tech Specialty Steel Carpenter Technology Crucible Specialty Metals Electralloy Republic Engineered Steels Slater Steels Talley Metals Technology United Steelworkers of America
A-533-810	731-TA-679	Stainless steel bar/India	AL Tech Specialty Steel Carpenter Technology Crucible Specialty Metals Electralloy Republic Engineered Steels Slater Steels Talley Metals Technology United Steelworkers of America
A-588-833	731-TA-681	Stainless steel bar/Japan	AL Tech Specialty Steel Carpenter Technology Crucible Specialty Metals Electralloy Republic Engineered Steels Slater Steels Talley Metals Technology United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-469-805	731-TA-682	Stainless steel bar/Spain	AL Tech Specialty Steel Carpenter Technology Crucible Specialty Metals Electralloy Republic Engineered Steels Slater Steels Talley Metals Technology United Steelworkers of America
A-570-836	731-TA-718	Glycine/China	Chattem Hampshire Chemical
A-570-832	731-TA-696	Pure magnesium/China	Dow Chemical Magnesium Corporation of America International Union of Operating Engineers (Local 564) United Steelworkers of America (Local 8319)
A-570-835	731-TA-703	Furfuryl alcohol/China	QO Chemicals
A-549-812	731-TA-705	Furfuryl alcohol/Thailand	QO Chemicals
A-821-807	731-TA-702	Ferrovanadium and nitrided vanadium/Russia	Shieldalloy Metallurgical
A-549-813	731-TA-706	Canned pineapple/Thailand	Maui Pineapple International Longshoreman's and Warehouseman's Union
A-357-809	731-TA-707	Seamless pipe/Argentina	Koppel Steel Quanex Timken United States Steel
A-351-826	731-TA-708	Seamless pipe/Brazil	Koppel Steel Quanex Timken United States Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-428-820	731-TA-709	Seamless pipe/ Germany	Koppel Steel Quanex Timken United States Steel
A-475-814	731-TA-710	Seamless pipe/ Italy	Koppel Steel Quanex Timken United States Steel
C-475-815	701-TA-362	Seamless pipe/ Italy	Koppel Steel Quanex Timken United States Steel
C-475-817	701-TA-364	Oil country tubular goods/Italy	IPSCO Koppel Steel Lone Star Steel Maverick Tube Newport Steel North Star Steel U.S. Steel USS/Kobe
A-357-810	731-TA-711	Oil country tubular goods/ Argentina	IPSCO Koppel Steel Lone Star Steel Maverick Tube Newport Steel North Star Steel U.S. Steel USS/Kobe
A-475-816	731-TA-713	Oil country tubular goods/Italy	Bellville Tube IPSCO Koppel Steel Lone Star Steel Maverick Tube Newport Steel North Star Steel U.S. Steel USS/Kobe
A-588-835	731-TA-714	Oil country tubular goods/Japan	IPSCO Koppel Steel Lone Star Steel Co. Maverick Tube Newport Steel North Star Steel U.S. Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-580-825	731-TA-715	Oil country tubular goods/Korea	Bellville Tube IPSCO Koppel Steel Lone Star Steel Maverick Tube Newport Steel North Star Steel U.S. Steel USS/Kobe
A-201-817	731-TA-716	Oil country tubular goods/Mexico	IPSCO Koppel Steel Maverick Tube Newport Steel North Star Steel U.S. Steel USS/Kobe
A-570-840	731-TA-724	Manganese metal/China	Elkem Metals Kerr-McGee
A-570-842	731-TA-726	Polyvinyl alcohol/China	Air Products and Chemicals
A-588-836	731-TA-727	Polyvinyl alcohol/Japan	Air Products and Chemicals
A-583-824	731-TA-729	Polyvinyl alcohol/Taiwan	Air Products and Chemicals
A-588-838	731-TA-739	Clad steel plate/Japan	Lukens Steel
C-475-819	701-TA-365	Pasta/Italy	A. Zerega's Sons American Italian Pasta Borden D. Merlino & Sons Dakota Growers Pasta Foulds Gilster-Mary Lee Gooch Foods Hershey Foods Pasta USA Philadelphia Macaroni S.T. Specialty Foods

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-489-806	701-TA-366	Pasta/Turkey	A. Zerega's Sons American Italian Pasta Borden D. Merlino & Sons Dakota Growers Pasta Foulds Gilster-Mary Lee Gooch Foods Hershey Foods Pasta USA Philadelphia Macaroni S.T. Specialty Foods
A-475-818	731-TA-734	Pasta/Italy	A. Zerega's Sons American Italian Pasta Borden D. Merlino & Sons Dakota Growers Pasta Foulds Gilster-Mary Lee Gooch Foods Hershey Foods Pasta USA Philadelphia Macaroni S.T. Specialty Foods
A-489-805	731-TA-735	Pasta/Turkey	A. Zerega's Sons American Italian Pasta Borden D. Merlino & Sons Dakota Growers Pasta Foulds Gilster-Mary Lee Gooch Foods Hershey Foods Pasta USA Philadelphia Macaroni S.T. Specialty Foods
A-428-821	731-TA-736	Large newspaper printing presses/ Germany	Rockwell Graphics Systems
A-588-837	731-TA-737	Large newspaper printing presses/ Japan	Rockwell Graphics Systems

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-201-820	731-TA-747	Fresh tomatoes/ Mexico	Accomack County Farm Bureau Ad Hoc Group of Florida, California, Georgia, Pennsylvania, South Carolina, Tennessee, and Virginia Tomato Growers Florida Farm Bureau Federation Florida Fruit and Vegetable Association Florida Tomato Exchange Florida Tomato Growers Exchange Gadsden County Tomato Growers Association South Carolina Tomato Association
A-588-839	731-TA-740	Sodium azide/ Japan	American Azide
A-570-844	731-TA-741	Melamine institutional dinnerware/ China	Carlisle Food Service Products Lexington United Plastics Manufacturing
A-560-801	731-TA-742	Melamine institutional dinnerware/ Indonesia	Carlisle Food Service Products Lexington United Plastics Manufacturing
A-583-825	731-TA-743	Melamine institutional dinnerware/ Taiwan	Carlisle Food Service Products Lexington United Plastics Manufacturing
A-570-846	731-TA-744	Brake rotors/ China	Brake Parts Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers Kelsey Hayes Kinetic Parts Manufacturing Iroquois Tool Systems Overseas Auto Parts Wagner Brake

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-489-807	731-TA-745	Steel concrete reinforcing bar/ Turkey	AmeriSteel Auburn Steel Birmingham Steel Commercial Metals Marion Steel New Jersey Steel
A-588-840	731-TA-748	Gas turbo-compressor systems/ Japan	Demag Delaval Dresser-Rand United Steelworkers of America
A-570-847	731-TA-749	Persulfates/China	FMC
A-570-848	731-TA-752	Crawfish tail meat/China	A&S Crawfish Acadiana Fisherman's Co-op Arnaudville Seafood Atchafalaya Crawfish Processors Basin Crawfish Processors Bayou Land Seafood Becnel's Meat & Seafood Bellard's Poultry & Crawfish Bonanza Crawfish Farm Cajun Seafood Distributors Carl's Seafood Catahoula Crawfish Choplin SFD C.J.'s Seafood & Purged Crawfish Clearwater Crawfish Harvey's Seafood Louisiana Premium Seafoods Louisiana Seafood Lawtell Crawfish Processors Phillips Seafood Prairie Cajun Wholesale Seafood Dist. Riceland Crawfish Schexnider Seafood International Distributors

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-570-848 (continued)	731-TA-752	Crawfish tail meat/China	Sylvester's Processors Teche Valley Seafood L.T. West Crawfish Processors Alliance
A-588-841	731-TA-750	Vector supercomputers/ Japan	Cray Research
A-570-849	731-TA-753	Cut-to-length carbon steel plate/ China	Bethlehem Steel Geneva Steel Gulf States Steel National Steel U.S. Steel United Steelworkers of America
A-821-808	731-TA-754	Cut-to-length carbon steel plate/ Russia	Bethlehem Steel Geneva Steel Gulf States Steel National Steel U.S. Steel United Steelworkers of America
A-791-804	731-TA-755	Cut-to-length carbon steel plate/ South Africa	Bethlehem Steel Geneva Steel Gulf States Steel National Steel U.S. Steel United Steelworkers of America
A-823-808	731-TA-756	Cut-to-length carbon steel plate/ Ukraine	Bethlehem Steel Geneva Steel Gulf States Steel National Steel U.S. Steel United Steelworkers of America
A-570-850	731-TA-757	Collated roofing nails/China	Illinois Tool Works International Staple and Machines Stanley-Bostitch

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-583-826	731-TA-759	Collated roofing nails/Taiwan	Illinois Tool Works International Staple and Machines Stanley-Bostitch
A-583-827	731-TA-762	SRAMs/Taiwan	Micron Technology
A-337-803	731-TA-768	Fresh Atlantic salmon/Chile	Atlantic Salmon of Maine Cooke Aquaculture US DE Salmon Global Aqua USA Island Aquaculture Maine Coast Nordic Scan Am Fish Farms Treats Island Fisheries Trumpet Island Salmon Farm
C-475-821	701-TA-373	Stainless steel wire rod/Italy	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-475-820	731-TA-770	Stainless steel wire rod/Italy	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-588-843	731-TA-771	Stainless steel wire rod/Japan	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-580-829	731-TA-772	Stainless steel wire rod/Korea	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-469-807	731-TA-773	Stainless steel wire rod/Spain	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-401-806	731-TA-774	Stainless steel wire rod/Sweden	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-583-828	731-TA-775	Stainless steel wire rod/Taiwan	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-337-804	731-TA-776	Preserved mushrooms/Chile	L.K. Bowman Modern Mushroom Farms Monterey Mushrooms Mount Laurel Canning Mushroom Canning Southwood Farms Sunny Dell Foods United Canning
A-570-851	731-TA-777	Preserved mushrooms/China	L.K. Bowman Modern Mushroom Farms Monterey Mushrooms Mount Laurel Canning Mushroom Canning Southwood Farms Sunny Dell Foods United Canning
A-533-813	731-TA-778	Preserved mushrooms/India	L.K. Bowman Modern Mushroom Farms Monterey Mushrooms Mount Laurel Canning Mushroom Canning Southwood Farms Sunny Dell Foods United Canning

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-560-802	731-TA-779	Preserved mushrooms/ Indonesia	L.K. Bowman Modern Mushroom Farms Monterey Mushrooms Mount Laurel Canning Mushroom Canning Southwood Farms Sunny Dell Foods United Canning
C-423-809	701-TA-376	Stainless steel plate in coils/ Belgium	Allegheny Ludlum Armco Steel Lukens Steel North American Stainless United Steelworkers of America
C-475-823	701-TA-377	Stainless steel plate in coils/Italy	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
C-791-806	701-TA-379	Stainless steel plate in coils/ South Africa	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A-423-808	731-TA-788	Stainless steel plate in coils/ Belgium	Allegheny Ludlum Armco Steel Lukens Steel North American Stainless United Steelworkers of America
A-122-830	731-TA-789	Stainless steel plate in coils/ Canada	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-475-822	731-TA-790	Stainless steel plate in coils/Italy	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A-580-831	731-TA-791	Stainless steel plate in coils/ Korea	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A-791-805	731-TA-792	Stainless steel plate in coils/ South Africa	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A-583-830	731-TA-793	Stainless steel plate in coils/ Taiwan	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A-560-803	731-TA-787	Extruded rubber thread/Indonesia	North American Rubber Thread
A-588-846	731-TA-807	Hot-rolled carbon steel flat products/ Japan	Acme Steel Bethlehem Steel California Steel Industries Gallatin Steel Geneva Steel Gulf States Steel IPSCO Ispat/Inland LTV Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-588-846 (continued)	731-TA-807	Hot-rolled carbon steel flat products/ Japan	WCI Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
C-351-829	701-TA-384	Hot-rolled carbon steel flat products/ Brazil	Acme Steel Bethlehem Steel California Steel Industries Gallatin Steel Geneva Steel Gulf States Steel IPSCO Ispat/Inland LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-351-828	731-TA-806	Hot-rolled carbon steel flat products/ Brazil	Acme Steel Bethlehem Steel California Steel Industries Gallatin Steel Geneva Steel Gulf States Steel IPSCO Ispat/Inland LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Weirton Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-351-828 (continued)	731-TA-806	Hot-rolled carbon steel flat products/ Brazil	Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-821-809	731-TA-808	Hot-rolled carbon steel flat products/ Russia	Acme Steel Bethlehem Steel California Steel Industries Gallatin Steel Geneva Steel Gulf States Steel IPSCO Ispat/Inland LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-427-814	731-TA-797	Stainless steel sheet and strip/ France	Allegheny Ludlum Armco Steel Bethlehem Steel Butler Armco Independent Union Carpenter Technology Corp. North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-428-825	731-TA-798	Stainless steel sheet and strip/ Germany	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-428-825 (continued)	731-TA-798	Stainless steel sheet and strip/ Germany	Carpenter Technology Corp. North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-475-824	731-TA-799	Stainless steel sheet and strip/ Italy	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union Carpenter Technology Corp. North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-588-845	731-TA-800	Stainless steel sheet and strip/ Japan	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union Carpenter Technology Corp. North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-580-834	731-TA-801	Stainless steel sheet and strip/ Korea	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union Carpenter Technology Corp. North American Stainless United Steelworkers of America Zanesville Armco Independent Organization

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-201-822	731-TA-802	Stainless steel sheet and strip/ Mexico	Allegheny Ludlum Armco Bethlehem Steel Carpenter Technology Corp. J&L Specialty Steel North American Stainless United Steelworkers of America
A-583-831	731-TA-803	Stainless steel sheet and strip/ Taiwan	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union Carpenter Technology Corp. North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-412-818	731-TA-804	Stainless steel sheet and strip/ United Kingdom	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union Carpenter Technology Corp. North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
C-427-815	701-TA-380	Stainless steel sheet and strip/ France	Allegheny Ludlum Armco Steel Bethlehem Steel Butler Armco Independent Union Carpenter Technology Corp. North American Stainless

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-427-815 (continued)	701-TA-380	Stainless steel sheet and strip/ France	United Steelworkers of America Zanesville Armco Independent Organization
C-475-825	701-TA-381	Stainless steel sheet and strip/ Italy	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union Carpenter Technology Corp. North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
C-580-835	701-TA-382	Stainless steel sheet and strip/ Korea	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union Carpenter Technology Corp. North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-570-852	731-TA-814	Creatine monohydrate/ China	Pfanstiehl Laboratories
C-427-817	701-TA-387	Cut-to-length carbon steel plate/ France	Bethlehem Steel Geneva Steel IPSCO Steel National Steel U.S. Steel United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-533-818	701-TA-388	Cut-to-length carbon steel plate/ India	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
C-560-806	701-TA-389	Cut-to-length carbon steel plate/ Indonesia	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
C-475-827	701-TA-390	Cut-to-length carbon steel plate/ Italy	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel U.S. Steel United Steelworkers of America
C-580-837	701-TA-391	Cut-to-length carbon steel plate/ Korea	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
A-427-816	731-TA-816	Cut-to-length carbon steel plate/ France	Bethlehem Steel Geneva Steel IPSCO Steel National Steel U.S. Steel United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-533-817	731-TA-817	Cut-to-length carbon steel plate/ India	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
A-560-805	731-TA-818	Cut-to-length carbon steel plate/ Indonesia	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
A-475-826	731-TA-819	Cut-to-length carbon steel plate/ Italy	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel U.S. Steel United Steelworkers of America
A-588-847	731-TA-820	Cut-to-length carbon steel plate/ Japan	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
A-580-836	731-TA-821	Cut-to-length carbon steel plate/ Korea	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-507-502	731-TA-287	Raw in-shell pistachios/Iran	Blackwell Land California Pistachio Orchard T.M. Duche Nut Keenan Farms Kern Pistachio Hulling & Drying Los Ranchos de Poco Pedro Pistachio Producers of California
C-507-501	None	Raw in-shell pistachios/Iran	Blackwell Land Co. Calif. Pistachio Commission Calif. Pistachio Orchards Cal Pure Pistachios, Inc. Keenan Farms, Inc. Kern Pistachio Hulling & Drying Co-op Los Rancheros de Poco Pedro Pistachio Producers of Calif. T.M. Duche Nut Co., Inc.
C-507-601	None	Roasted in-shell pistachios/Iran	Calif. Pistachio Commission Cal Pure Pistachios Keenan Farms, Inc. Kern Pistachio Hulling & Drying Co-op Pistachio Producers of Calif. T.M. Duche Nut Co., Inc.
A-821-811	731-TA-856	Ammonium nitrate/Russia	Agrium Air Products and Chemicals Mississippi Chemical El Dorado Chemical Nitram LaRoche Wil-Gro Fertilizer
A-580-839	731-TA-825	Polyester staple fiber/Korea	E.I. du Pont de Nemours Arteva Specialties S.a.r.l. Wellman Intercontinental Polymers

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-583-833	731-TA-826	Polyester staple fiber/Taiwan	Arteva Specialties S.a.r.l. Wellman Intercontinental Polymers
A-570-855	731-TA-841	Non-frozen apple juice concentrate/China	Coloma Frozen Foods Green Valley Apples of California Knouse Foods Coop Mason County Fruit Packers Coop Tree Top
A-588-852	731-TA-853	Structural steel beams/Japan	Northwestern Steel and Wire Nucor Nucor-Yamato Steel TXI-Chaparral Steel United Steelworkers of America
C-580-842	701-TA-401	Structural steel beams/Korea	Northwestern Steel and Wire Nucor Nucor-Yamato Steel TXI-Chaparral Steel United Steelworkers of America
A-580-841	731-TA-854	Structural steel beams/Korea	Northwestern Steel and Wire Nucor Nucor-Yamato Steel TXI-Chaparral Steel United Steelworkers of America
A-570-856	731-TA-851	Synthetic indigo/China	Buffalo Color United Steelworkers of America
A-588-850	731-TA-847	Large-diameter carbon steel seamless pipe/Japan	North Star Steel Timken U.S. Steel USS/Kobe United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-588-851	731-TA-847	Small-diameter carbon steel seamless pipe/Japan	Koppel Steel North Star Steel Sharon Tube Timken U.S. Steel USS/Kobe Vision Metals' Gulf States Tube United Steelworkers of America
A-791-808	731-TA-850	Small-diameter carbon steel seamless pipe/South Africa	Koppel Steel North Star Steel Sharon Tube Timken U.S. Steel USS/Kobe Vision Metals' Gulf States Tube United Steelworkers of America
A-485-805	731-TA-849	Small-diameter carbon steel seamless pipe/Romania	Koppel Steel North Star Steel Sharon Tube Timken U.S. Steel USS/Kobe Vision Metals' Gulf States Tube United Steelworkers of America
A-201-827	731-TA-848	Large-diameter carbon steel seamless pipe/Mexico	North Star Steel Timken U.S. Steel USS/Kobe United Steelworkers of America
A-851-802	731-TA-846	Small-diameter carbon steel seamless pipe/Czech Republic	Koppel Steel North Star Steel Sharon Tube Timken U.S. Steel USS/Kobe Vision Metals' Gulf States Tube United Steelworkers of America
A-570-853	731-TA-828	Aspirin/China	Rhodia

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-580-812	731-TA-556	DRAMs of 1 mega-bit and above/ Korea	Micron Technology NEC Electronics Texas Instruments
A-475-828	731-TA-865	Stainless steel butt-weld pipe fittings/Italy	Markovitz Enterprises Gerlin Shaw Alloy Piping Products Taylor Forge Stainless
A-557-809	731-TA-866	Stainless steel butt-weld pipe fittings/Malaysia	Markovitz Enterprises Gerlin Shaw Alloy Piping Products Taylor Forge Stainless
A-565-801	731-TA-867	Stainless steel butt-weld pipe fittings/Philippines	Markovitz Enterprises Gerlin Shaw Alloy Piping Products Taylor Forge Stainless
A-588-856	731-TA-888	Stainless steel angle/Japan	Slater Steels United Steelworkers of America
A-580-846	731-TA-889	Stainless steel angle/Korea	Slater Steels United Steelworkers of America
A-469-810	731-TA-890	Stainless steel angle/Spain	Slater Steels United Steelworkers of America
A-588-015	AA1921-66	Television receivers/Japan	AGIV (USA) Casio Computer CBM America Citizen Watch Funai Electric Hitachi Industrial Union Department Matsushita Mitsubishi Electric NEC Orion Electric J.C. Penny Philips Electronics Philips Magnavox

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-588-015 (continued)	AA1921-66	Television receivers/Japan	P.T. Imports Sanyo Sharp Toshiba Toshiba America Consumer Products Victor Company of Japan Montgomery Ward Zenith Electronics
A-822-804	731-TA-873	Steel concrete reinforcing bar/ Belarus	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Co-Steel, Inc. Marion Steel Nucor Steel North Star Steel Co. Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-570-860	731-TA-874	Steel concrete reinforcing bar/ China	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Co-Steel Inc. Marion Steel Nucor Steel North Star Steel Co. Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-560-811	731-TA-875	Steel concrete reinforcing bar/ Indonesia	AmeriSteel Birmingham Steel Border Steel CMC Steel Group Co-Steel Inc. Marion Steel Nucor Steel North Star Steel Co. Rebar Trade Action Coalition

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-560-811 (continued)	731-TA-875	Steel concrete reinforcing bar/ Indonesia	Riverview Steel Sheffield Steel
A-580-844	731-TA-877	Steel concrete reinforcing bar/ Korea	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Co-Steel Inc. Marion Steel Nucor Steel North Star Steel Co. Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-449-804	731-TA-878	Steel concrete reinforcing bar/ Latvia	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Co-Steel Inc. Marion Steel Nucor Steel North Star Steel Co. Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-841-804	731-TA-879	Steel concrete reinforcing bar/ Moldova	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Co-Steel, Inc. Marion Steel Nucor Steel North Star Steel Co. Rebar Trade Action Coalition Riverview Steel Sheffield Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-455-803	731-TA-880	Steel concrete reinforcing bar/ Poland	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Co-Steel, Inc. Marion Steel Nucor Steel North Star Steel Co. Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-823-809	731-TA-882	Steel concrete reinforcing bar/ Ukraine	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Co-Steel, Inc. Marion Steel Nucor Steel North Star Steel Co. Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-823-810	731-TA-894	Ammonium nitrate/Ukraine	Agrium Air Products and Chemicals Committee for Fair Ammonium Nitrate Trade El Dorado Chemical LaRoche Industries Mississippi Chemicals Nitram Prodica
A-570-862	731-TA-891	Foundry coke/ China	ABC Coke Citizens Gas and Coke Utility Erie Coke Sloss Industries Corp. Tonawanda Coke United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-357-815	701-TA-404	Hot-rolled steel products/ Argentina	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-357-814	731-TA-898	Hot-rolled steel products/ Argentina	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-791-809	731-TA-905	Hot-rolled steel products/ South Africa	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Weirton Steel Wheeling-Pittsburgh Steel Corp.

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-791-809 (continued)	731-TA-905	Hot-rolled steel products/ South Africa	Independent Steelworkers United Steelworkers of America
A-580-008	731-TA-134	Color television receivers/Korea	Independent Radionic Workers of America International Brotherhood of Electrical Workers International Union of Electrical, Radio and Machine Workers Industrial Union Department, AFL-CIO Committee to Preserve American Color television
A-583-009	731-TA-135	Color television receivers/Taiwan	Independent Radionic Workers of America International Brotherhood of Electrical Workers International Union of Electrical, Radio and Machine Workers Industrial Union Department, AFL-CIO Committee to Preserve American Color Television
A-122-006	AA1921-49	Steel jacks/ Canada	Bloomfield Manufacturing (Harrah) Seaburn Metal Products
A-588-029	AA1921-85	Fish netting of man-made fiber/ Japan	Jovanovich Supply LFSI Trans-Pacific Trading
A-588-038	AA1921-98	Bicycle speedometers/ Japan	Avocet Cat Eye Diversified Products N.S. International Sanyo Electric Stewart-Warner
A-588-055	AA1921-154	Acrylic sheet/ Japan	Polycast Technology

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-351-037	104-TAA-21	Cotton Yarn/Brazil	Harriet & Henderson Yarns LaFar Industries American Yarn Spinners Association
A-588-005	731-TA-48	High power microwave amplifiers/Japan	Aydin MCL
A-122-401	731-TA-196	Red raspberries/Canada	Rader farms Ron Roberts Shuksan Frozen Food Northwest Food Producers' Association Oregon Caneberry Commission Washington Red Raspberry Commission
A-588-405	731-TA-207	Cellular mobile telephones/Japan	E.F. Johnson Motorola
C-421-601	701-TA-278	Fresh cut flowers/Netherlands	Burdette Coward Gold Coast Uanko Nursery Hollandia Wholesale Florist Manatee Fruit Monterey Flower Farms Topstar Nursery California Floral Council Floral Trade Council Florida Flower Association
A-301-602	731-TA-329	Fresh cut flowers/Colombia	Burdette Coward Gold Coast Uanko Nursery Hollandia Wholesale Florist Manatee Fruit Monterey Flower Farms Pajaro Valley Greenhouses Topstar Nursery California Floral Council Floral Trade Council Florida Flower Association

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-331-602	731-TA-331	Fresh cut flowers/ Ecuador	Burdette Coward Gold Coast Uanko Nursery Hollandia Wholesale Florist Manatee Fruit Monterey Flower Farms Topstar Nursery California Floral Council Floral Trade Council Florida Flower Association
A-201-601	731-TA-333	Fresh cut flowers/ Mexico	Burdette Coward Gold Coast Uanko Nursery Hollandia Wholesale Florist Manatee Fruit Monterey Flower Farms Topstar Nursery California Floral Council Floral Trade Council Florida Flower Association
A-401-603	731-TA-354	Stainless steel hollow products/ Sweden	AL Tech Specialty steel Allegheny Ludlum Steel ARMCO Carpenter Technology Crucible Materials Damacus Tubular Products Specialty Tubing Group
A-508-604	731-TA-366	Industrial phos- phoric acid/Israel	Albright & Wilson FMC Hydrite Chemical Monsanto Stauffer Chemical
A-588-802	731-TA-389	3.5" " microdisks/Japan	Verbatim
A-588-809	731-TA-426	Small business telephone systems/Japan	American Telephone & Telegraph Comdial Eagle Telephonic

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-583-806	731-TA-428	Small business telephone systems/Taiwan	American Telephone & Telegraph Comdial Eagle Telephonic
A-580-803	731-TA-427	Small business telephone systems/Korea	American Telephone & Telegraph Comdial Eagle Telephonic
A-570-811	731-TA-497	Tungsten ore concentrates/ China	Curtis Tungsten U.S. Tungsten
A-427-804	731-TA-553	Hot-rolled lead and bismuth carbon steel products/ France	Bethlehem Steel Inland Steel Industries USS/Kobe Steel
C-427-805	701-TA-315	Hot-rolled lead and bismuth carbon steel products/ France	Bethlehem Steel Inland Steel Industries USS/Kobe Steel
A-588-823	731-TA-571	Professional electric cutting tools/ Japan	Black & Decker
A-821-805	731-TA-697	Pure magnesium/ Russia	Dow Chemical Magnesium Corporation of America International Union of Operating Engineers United Steelworkers of America
C-533-821	701-TA-405	Hot-rolled steel products/India	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp.

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-533-821 (continued)	701-TA-405	Hot-rolled steel products/India	Independent Steelworkers United Steelworkers of America
C-560-813	701-TA-406	Hot-rolled steel products/ Indonesia	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
C-791-810	701-TA-407	Hot-rolled steel products/South Africa	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
C-549-818	701-TA-408	Hot-rolled steel products/Thailand	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-549-818	701-TA-408	Hot-rolled steel products/Thailand	Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-570-865	731-TA-899	Hot-rolled steel products/China	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-533-820	731-TA-900	Hot-rolled steel products/India	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-560-812	731-TA-901	Hot-rolled steel products/ Indonesia	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-560-812 (continued)	731-TA-901	Hot-rolled steel products/ Indonesia	Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-834-806	731-TA-902	Hot-rolled steel products/ Kazakhstan	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-421-807	731-TA-903	Hot-rolled steel products/ Netherlands	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-485-806	731-TA-904	Hot-rolled steel products/Romania	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-583-835	731-TA-906	Hot-rolled steel products/Taiwan	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-549-817	731-TA-907	Hot-rolled steel products/Thailand	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-549-817 (continued)	731-TA-907	Hot-rolled steel products/Thailand	Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-823-811	731-TA-908	Hot-rolled steel products/Ukraine	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Rouge Steel Co. Steel Dynamics U.S. Steel WCI Steel Inc. Weirton Steel Wheeling-Pittsburgh Steel Corp. Independent Steelworkers United Steelworkers of America
A-570-864	731-TA-895	Pure magnesium (granular)/China	Concerned Employees of Northwest Alloys Magnesium Corporation of America United Steelworkers of America United Steelworkers of America (Local 8319)
A-588-857	731-TA-919	Welded large diameter line pipe/Japan	American Cast Iron Pipe Berg Steel Pipe Bethlehem Steel Napa Pipe/Oregon Steel Mills Saw Pipes USA Stupp U.S. Steel
A-201-828	731-TA-920	Welded large diameter line pipe/Mexico	American Cast Iron Pipe Berg Steel Pipe Bethlehem Steel Napa Pipe/Oregon Steel Mills

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-201-828 (continued)	731-TA-920	Welded large diameter line pipe/ Mexico	Saw Pipes USA Stupp U.S. Steel
C-357-813	701-TA-402	Honey/Argentina	Adee Honey Farms Althoff Apiaries Anderson Apiaries Arroyo Apiaries Artesian Honey Producers Bailey Enterprises Barkman Honey Basler Honey Apiary Beals Honey Bears Paw Apiaries Beaverhead Honey Bee Biz Bee Haven Honey Belliston Brothers Apiaries Big Sky Honey Richard E. Blake Gene Brand Apiaries Curt Bronnenbery Brown's Honey Farms Brumley's Bees Buhmann Apiaries Carys Honey Farms Chaparral Honey Mitchell Charles Charles Apiaries Collins Honey Conor Apiaries Coy's Honey Farm Delta Bee Eisele's Pollonation & Honey Ellingsoa's Elliott Curtis & Sons Charles L. Emmons, Sr. Gause Honey Griffith Honey Haff Apiaries Hamilton Bee Farms Hamilton Honey Happie Bee Harvest Honey Harvey's Honey

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-357-813 (continued)	701-TA-402	Honey/Argentina	Hiatt Honey Hoffman Honey Hollman Apiaries Honey House Honeybee Apiaries Gary M. Honl Rand William Honl and Sydney Jo Honl Jaynes Bee Products Johnston Honey Farms Ke-An Honey Kent Honeybees Lake-Indianhead Honey Farms Lamb's Honey Farm Laas Flores Apiaries Mackrill Honey Farms & Sales Raymond Marquette Mason & Sons Honey McCoy's Sunny South Apiaries Merrimack Valley Apiar- ies & Evergreen Honey Met 2 Honey Farm A.H. Meyer & Sons Missouri River Honey Mitchell Brothers Honey Monda Honey farm Montana Dakota Honey Dave Nelson Apiaries Northern Bloom Honey Noye's Apiaries Oakes Honey Oakley Honey Farms Old Mill Apiaries Opp Honey Oro Dulce Steve E. Parks Apiaries Peterson's Naturally Sweet Honey Potoczak Bee Farms Price Apiaries Pure Sweet Honey Farms Bill Rhodes Honey Robertson Pollination Service

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-357-813 (continued)	701-TA-402	Honey/Argentina	William Robson Robson Honey Rosedale Apiaries Ryan Apiaries Schmidt Honey Farms Simpson Apiaries James R. & Joan Smith Trust Smoot Honey Solby Honey Stahlman Apiaries Stroope Bee & Honey T&D Honey Bee Talbot's Honey Terry Apiaries Thompson Apiaries Triple A Farm Tropical Blossom Honey Tubbs Apiaries Venable Wholesale B. Weaver Apiaries Wiebersiek Honey Farms Walter L. Wilson Buzz 76 Apiaries Wilmer Farms Brent J. Woodworth Wooten's Golden Queens Yaddof Apiaries American Beekeeping Federation American Honey Products Association Sioux Honey Association
A-357-812	731-TA-892	Honey/Argentina	Adee Honey Farms Althoff Apiaries Anderson Apiaries Arroyo Apiaries Artesian Honey Producers Bailey Enterprises Barkman Honey Basler Honey Apiary Beals Honey Bears Paw Apiaries Beaverhead Honey Bee Biz

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-357-812 (continued)	731-TA-892	Honey/Argentina	Bee Haven Honey Belliston Brothers Apiaries Big Sky Honey Richard E. Blake Gene Brandi Apiaries Curt Bronnenbery Brown's Honey Farms Brumley's Bees Buhmann Apiaries Carys Honey Farms Chaparrel Honey Mitchell Charles Charles Apiaries Collins Honey Conor Apiaries Coy's Honey Farms Delta Bee Eisele's Pollination & Honey Ellingsoa's Elliott Curtis & Sons Charles L. Emmons, Sr. Gause Honey Griffith Honey Haff Apiaries Hamilton Bee Farms Hamilton Honey Happie Bee Harvest Honey Harvey's Honey Hiatt Honey Hoffman Honey Hollman Apiaries Honey House Honeybee Apiaries Gary M. Honi Rand William Honi and Sydney Jo Honi American Beekeeping Federation American Honey Producers Association Jaynes Bee Products Larry Johnston Johnston Honey Farms

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-357-812 (continued)	731-TA-892	Honey/Argentina	Ke-An Honey Kent Honeybees Lake Indianhead Honey Farms Lamb's Honey Farms Las Flores Apiaries Mackrill Honey Farms & Sales Raymond Marquette Mason & Sons Honey McCoy's Sunny South Apiaries Merrimack Valley Apiaries & Evergreen Honey Met 2 Honey Farm A.H. Meyers & Sons Missouri River Honey Mitchell Brothers Honey Monda Honey Farm Montana Dakota Honey Dave Nelson Apiaries Northern Bloom Honey Noye's Apiaries Oakes Honey Oakley Honey Farms Old Mill Apiaries Opp Honey Oro Dulce Steve E. Park Apiaries Petersons Naturally Sweet Honey Potoczak Bee Farms Price Apiaries Pure Sweet Honey Farm Bill Rhodes Honey Robertson Pollination Service William Robson Robson Honey Rosedale Apiaries Ryan Apiaries Schmidt Honey Farms Simpson Apiaries James R. & Joan Smith Trust

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-357-812 (continued)	731-TA-892	Honey/Argentina	Smoot Honey Solby Honey Stahlman Apiaries Stroope Bee & Honey T&D Honey Bee Talbott's Honey Terry Apiaries Thompson Apiaries Triple-A Farm Tropical Blossom Honey Tubbs Apiaries Venable Wholesale B. Weaver Apiaries Wiebersiek Honey Farms Walter L. Wilson Buzz 76 Apiaries Wilmer Farms Brent J. Woodworth Wooten Golden Queens Yaddof Apiaries American Beekeeping Federation American Honey Producers Association Sioux Honey Association
A-570-863	731-TA-893	Honey/China	Adee Honey Farms Althoff Apiaries Anderson Apiaries Arroyo Apiaries Artesian Honey Producers Bailey Enterprises Barkman Honey Basler Honey Apiary Beals Honey Bears Paw Apiaries Beaverhead Honey Bee Biz Bee Haven Honey Belliston Brothers Apiaries Big Sky Honey Richard E. Blake Gene Brandi Apiaries Curt Bronnenbery Brown's Honey Farms Brumley's Bees Buhmann Apiaries

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-570-863 (continued)	731-TA-893	Honey/China	Carys Honey Farms Chaparral Honey Mitchell Charles Charles Apiaries Collins Honey Conor Apiaries Coy's Honey Farm Delta Bee Eisele's Pollination & Honey Ellingsoa's Elliott Curtis & Sons Charles L. Emmons, Sr. Gause Honey Griffith Honey Haff Apiaries Hamilton Bee Farms Hamilton Honey Happie Bee Harvest Honey Hiatt Honey Hoffman Honey Hollman Apiaries Honey House Honeybee Apiaries Gary M. Honi Rand William Honi and Sydney Jo Honi Jaynes Bee Products Larry Johnston Johnston Honey Farms Ke-An Honey Kent Honeybees Lake-Indianhead Honey Farms Lamb's Honey Farm Las Flores Apiaries Mackrill Honey Farms & Sales Raymond Marquette Mason & Sons Honey McCoy's Sunny South Apiaries Merrimack Valley Apiaries & Evergreen Honey Met 2 Honey Farm

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-570-863 (continued)	731-TA-893	Honey/China	A.H. Meyer & Sons Missouri River Honey Mitchell Brothers Honey Monda Honey Farm Montana Dakota Honey Dave Nelson Apiaries Northern Bloom Honey Noye's Apiaries Oakes Honey Oakley Honey Farms Old Mill Apiaries Opp Honey Oro Dulce Steve E. Park Apiaries Peterson's Naturally Sweet Honey Potoczak Bee Farms Price Apiaries Pure Sweet Honey Farms Bill Rhodes Honey Robertson Pollination Service William Robson Robson Honey Rosedale Apiaries Ryan Apiaries Schmidt Honey Farms Simpson Apiaries James R. & Joann Smith Trust Smoot Honey Solby Honey Stahlman Apiaries Stroope Bee & Honey T&D Honey Bee Talbott's Honey Terry Apiaries Thompson Apiaries Triple-A Farm Tropical Blossom Honey Tubbs Apiaries Venable Wholesale B. Weaver Apiaries Wiebersiek Honey Farms Walter L. Wilson Buzz 76 Apiaries Wilmer Farms Brent J. Woodworth

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-570-863 (continued)	731-TA-893	Honey/China	Wooten's Golden Queens Yaddof Apiaries American Beekeeping Federation American Honey Producers Association Sioux Honey Association
A-122-838	731-TA-928	Softwood lumber/ Canada	71 Lumber Co. Almond Bros. Lbr. Co. Anthony Timberlands Balfour Lbr. Co. Ball Lumber Banks Lumber Company Barge Forest Products Co. Beadles Lumber Co. Buddy Bean Lumber Bearden Lumber Guy Bennett Lumber Bennett Lumber Big Valley Band Mill Bighorn Lumber Co. Inc. Blue Mountain Lumber Burgin Lumber Co. Burt Lumber Company C&D Lumber Co. C.M. Yucker Lumber Corp. Ceda-Pine Veneer Cersosimo Lumber Co., Inc. Charles Ingram Lumber Co. Inc. Charleston Heart Pine Chesterfield Lumber Chips Chocorua Valley Lumber Co. Clearwater Forest Industries CLW, Inc. Cody Lumber Co. Collins Pine Co. Collums Lumber Columbus Lumber Co. Contoocook River Lumber Cornwright Lumber Co.

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-122-838 (continued)	731-TA-928	Softwood lumber/ Canada	<p> Daniels Lumber Inc. Dean Lumber Co., Inc. Deltic Lumber Corp. Devils Tower Forest Products DiPrizio Pine Sales Dorchester Lumber Co. East Brainerd Lumber Co. East Coast Lumber Company Eas-Tex Lumber ECK Wood Products Ellingson Lumber Co. Elliott Sawmilling Empire Lumber Co. Evergreen Forest Products Excalibur Shelving Systems Inc. Exley Lumber Co. F.H. Stoltze Land & Lumber Co. F.L. Turlington Lbr.Co. Inc. Fleming Lumber Flippo Lumber Floragen Forest Products Frank Lumber Co. Franklin Timber Co. Frontier Resources Garrison Brothers Lum- ber Co. Georgia Lumber Gilman Building Products Godfrey Lumber Granite State Forest Prod. Inc. Great Western Lumber Co. Greenville Molding Inc. Griffin Lumber Company Guess Brothers Lumber Conway Guiteau Lumber Gulf Lumber Gulf States Paper Ralph Hamel Forest Products </p>

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-122-838 (continued)	731-TA-928	Softwood lumber/ Canada	H.G. Toler & Son Lumber Co. H.G. Wood Industries, LLC H.S. Hofler & Sons Lumber Co. Inc. H.W. Culp Lumber Co. Hampton Resources Hancock Lumber Hankins Inc. Hankins Lumber Co. Harrigan Lumber Harwood Products Haskell Lumber Inc. Hatfield Lumber Hedstrom Lumber Herrick Millwork, Inc. Hogan & Storey Wood Products Hogan Lumber Co. Hood Industries Claude Howard Lumber Hubbard Forest Ind. Inc. Idaho Veneer Co. Industrial Wood Products Intermountain Res. LLC International Paper D.R. Johnson Lumber J. Franklin Jones Lumber Co. Inc. J.D. Martin Lumber Co. J.E. Jones Lumber Co. J.H. Knighton Lumber Co. J.P. Haynes Lbr. Co. Inc. J.W. Jones Lumber Jack Batte & Sons, Inc. Jasper Lumber Company Johnson Lumber Company Jordan Lumber & Supply Joseph Timber Co. Keadle Lumber Enterprises Keller Lumber King Lumber Co. Konkolville Lumber

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-122-838 (continued)	731-TA-928	Softwood lumber/ Canada	<p>Langdale Forest Products Laurel Lumber Company Leavitt Lumber Co. Leesville Lumber Co. Lovell Lumber Co. Inc. M. Kendall Lumber Co. M.B. Heath & Sons Lumber Co. M.C. Dixon Lumber Co. Inc. Manke Lumber Co. Marriner Lumber Co. Mason Lumber Mebane Lumber co. Inc. Randy D. Miller Lumber Millry Mill Co. Inc. Moose Creek Lumber Co. Moose River Lumber Morgan Lumber Co. Inc. Mount Yonah Lumber Co. Nagel Lumber New Kearsarge Corp. New South Nicolet Hardwoods Nieman Sawmills SD Nieman Sawmills WY North Florida Northern Lights Timber & Lumber Northern Neck Lumber Co. Ochoco Lumber Co. Olon Belcher Lumber Co. Owens and Hurst Lumber Packaging Corp. of America Page & Hill Forest Products Parker Lumber Pate Lumber Co. Inc. PBS Lumber Piedmont Hardwood Lumber Co. Pine River Lumber Co. Pinecrest Lumber Co. Pleasant Western Lumber Inc. Pine River Lumber Co.</p>

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-122-838 (continued)	731-TA-928	Softwood lumber/ Canada	<p>Pinecrest Lumber Co Pleasant Western Lumber, Inc. Plum Creek Timber Pollard Lumber Portac Potlatch Potomac Supply Precision Lumber, Inc. Pruitt Lumber Inc. R. Leon Williams Lumber Co. Rajala Timber Co. Rappahannock Lumber Co. Regulus Stud Mills, Inc. Riley Creek Lumber Robbins Lumber Roanoke Lumber Co. Robertson Lumber Roseburg Forest Products Co. Rough & Ready RSG Forest Products Rushmore Forest Products RY Timber Inc. Sam Mabry Lumber Co. Scotch Lumber Seacoats Mills, Inc. Seago Lumber Seattle-Snohomish Seneca Sawmill Shaver Wood Products Shearer Lumber Products Shuqualak Lumber Sierra Pacific Industries Sigfrisson Wood Products Silver City Lumber Inc. Somers Lbr. & Mfg. Inc. South & Jones South Coast Southern Forest Industries, Inc. Southern Lumber St. Laurent Forest Products Steely Lumber Co. Inc. Stimson Lumber</p>

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-122-838 (continued)	731-TA-928	Softwood lumber/ Canada	<p>S.I. Story Lumber Summit Timber Co. Sundance Lumber Superior Lumber Swanson Superior Forest Products Swift Lumber T.R. Miller Mill Co. Tamarack Mill Taylor Lumber & Treating Inc. Fred Tebb & Sons Temple-Inland Forest Products Thompson River Products Three Rivers Timber Thrift Brothers Lumber Co. Inc. Timco Inc. Tolleson Lumber Toney Lumber Tradewinds of Virginia Ltd. Travis Lumber co. Tree Source Industries Inc. Tri-State Lumber TTT Studs V.P. Kiser Co. Viking Lumber Co. Jerry G. Williams & Sons W.M. Shepherd Lumber Co. W.R. Robinson Lumber Co. Inc. Walton Lumber Co. Inc. Warm Springs Forest Products Wilkens, Kaiser & Olsen, Inc. Wrenn Brothers Inc. Wyoming Sawmills Yakama Forest Products R.A. Yancey Lumber Younce & Ralph Lumber Co. Inc. Zip-O-Log Mills Inc.</p>

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-122-838 (continued)	731-TA-928	Softwood lumber/ Canada	Coalition for Fair Lumber Imports Executive Committee Paper, Allied-Industrial, Chemical and Energy Workers International Union United Brotherhood of Carpenters and Joiners
C-122-839	701-TA-414	Softwood lumber/ Canada	71 Lumber Co. Almond Bros. Lbr. Co. Anthony Timberlands Balfour Lbr. Co. Ball Lumber Banks Lumber Co. Barge Forest Products Co. Beadles Lumber Co. Buddy Bean Lumber Bearden Lumber Guy Bennett Lumber Bennett Lumber Big Valley Band Mill Bighorn Lumber Co. Inc. Blue Mountain Lumber Burgin Lumber Co. Ltd. Burt Lumber Company C&D Lumber Co. C.M. Tucker Lumber Corp. Ceda-Pine Veneer Cersosimo Lumber Co. Inc. Charles Ingram Lumber Co. Inc. Charleston Heart Pine Chesterfield Lumber Chips Chocorua Valley Lumber Co. Clearwater Forest Industries CLW Inc. Cody Lumber Co. Collins Pine Co. Collums Lumber Columbus Lumber Co. Contoocook River Lumber

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-122-839 (continued)	701-TA-414	Softwood lumber/ Canada	Cornwright Lumber Co. Daniels Lumber Inc. Dean Lumber Co. Inc. Deltic Timber Corporation Devils Tower Forest Products DiPrizio Pine Sales Dorchester Lumber Co. East Brainerd Lumber Co. East Coast Lumber Company Eas-Tex Lumber ECK Wood Products Ellingson Lumber Co. Elliott Sawmilling Empire Lumber Co. Evergreen Forest Products Excaliber Shelving Systems, Inc. Exley Lumber Co. F.H. Stoltze Land & Lumber Co. F.L. Burlington Lbr. Co. Inc. Flippo Lumber Floragen Forest Products Frank Lumber Co. Franklin Timber Co. Fremont Sawmill Frontier Resources Garrison Brothers Lum- ber Co. & Subsidiaries Georgia Lumber Gilman Building Products Godfrey Lumber Granite State Forest Products Inc. Great Western Lumber Co. Greenville Molding Inc. Griffin Lumber Company Guess Brothers Lumber Conway Guiteau Lumber Gulf Lumber Gulf States Paper Ralph Hamel Forest Products

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-122-839 (continued)	701-TA-414	Softwood lumber/ Canada	H.G. Toler & Son Lumber Co. Inc. H.G. Wood Industries, LLC H.S. Hoffer & Sons Lumber Co. Inc. H.W. Culp Lumber Co. Hampton Resources Hancock Lumber Hankins Inc. Hankins Lumber Co. Harrigan Lumber Harwood Products Haskell Lumber, Inc. Hatfield Lumber Hedstrom Lumber Herrick Millwork, Inc. Hogan & Storey Wood Prod. Hogan Lumber Co. Hood Industries Claude Howard Lumber Hubbard Forest Ind., Inc. Idaho Veneer Co. Industrial Wood Products Intermountain Res. LLC International Paper D.R. Johnson Lumber J. Franklin Jones Lumber Co. Inc. J.D. Martin Lumber Co. J.E. Jones Lumber Co. J.H. Knighton Lumber Co. J.P. Haynes Lumber Co. Inc. J.W. Jones Lumber Jack Batte & Sons, Inc. Jasper Lumber Company Johnson Lumber Company Jordan Lumber & Supply Joseph Timber Co. Keadle Lumber Enterprises Keller Lumber King Lumber Co. Konkolville Lumber Langdale Forest Products

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-122-839 (continued)	701-TA-414	Softwood lumber/ Canada	<p> Laurel Lumber Company Leavitt Lumber Co. Leesville Lumber Co. Limington Lumber Co. Longview Fibre Co. Lovell Lumber Co. Inc. M. Kendall Lumber Co. M.B. Heath & Sons Lumber Co. M.C. Dixon Lumber Co. Inc. Manke Lumber Co. Marriner Lumber Co. Mason Lumber Mebane Lumber Co. Inc. Randy D. Miller Lumber Millry Mill Co. Inc. Moose Creek Lumber Co. Moose River Lumber Morgan Lumber Co. Inc. Mount Yonah Lumber Co. Nagel Lumber New Kearsarge Corp. New South Nicolet Hardwoods Nieman Sawmills SD Nieman Sawmills WY North Florida Northern Lights Timber & Lumber Northern Neck Lumber Co. Ochoco Lumber Co. Olon Belcher Lumber Co. Owens and Hurst Lumber Packaging Corp. of America Page & Hill Forest Products Parker Lumber Pate Lumber Co. Inc. PBS Lumber Pedigo Lumber Co. Piedmont Hardwood Lumber Co. Pine River Lumber Co. Pinecrest Lumber Co. </p>

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-122-839 (continued)	701-TA-414	Softwood lumber/ Canada	Pleasant Western Lumber, Inc. Pollard Lumber Portac Potlatch Potomac Supply Precision Lumber, Inc. Pruitt Lumber, Inc. R. Leon Williams Lumber Co. Rajala Timber Co. Rappahannock Lumber Co. Regulus Stud Mills, Inc. Riley Creek Lumber Robbins Lumber Roanoke Lumber Co. Robertson Lumber Roseburg Forest Products Co. Rough & Ready RSG Forest Products Rushmore Forest Products RY Timber, Inc. Sam Mabry Lumber Co. Scotch Lumber Seacoast Mills, Inc. Seago Lumber Seattle-Snohomish Seneca Sawmill Shaver Wood Products Shearer Lumber Products Shuqualak Lumber Sierra Forest Products Sierra Pacific Industries Sigfridson Wood Products Silver City Lumber, Inc. Somers Lbr. & Mfg., Inc. South & Jones South Coast Southern Forest Industries, Inc. Southern Lumber St. Laurent Forest Products Steely Lumber Co. Inc. Stimson Lumber S.I. Story Lumber

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-122-839 (continued)	701-TA-414	Softwood lumber/ Canada	<p>Summit Timber Co. Sundance Lumber Superior Lumber Swanson Superior Forest Prod. Inc. Swift Lumber T.R. Miller Mill Co. Tamarack Mill Taylor Lumber & Treat- ing, Inc. Fred Tebb & Sons Temple-Inland Forest Products Thompson River Lumber Three Rivers Timber Thrift Brothers Lumber Co. Inc. Timco, Inc. Tolleson Lumber Toney Lumber Tradewinds of Virginia Ltd. Travis Lumber Co. Tree Source Industries Inc. Tri-State Lumber TTT Studs V.P. Kiser Lumber Co. Viking Lumber Co. Jerry G. Williams & Sons W.M. Shepherd Lumber Co. W.R. Robinson Lumber Co. Inc. Walton Lumber Co. Inc. Warm Springs Forest Products Wilkins, Kaiser & Olsen, Inc. Wrenn Brothers, Inc. Wyoming Sawmills Yakama Forest Products R.A. Yancey Lumber Younce & Ralph Lumber Co. Inc. Zip-O-Log Mills, Inc. Coalition for Fair Lumber Imports</p>

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-122-839 (continued)	701-TA-414	Softwood lumber/ Canada	Executive Committee Paper, Allied-Industrial, Chemical and Energy Workers International Union United Brotherhood of Carpenters and Joiners
A-533-823	731-TA-929	Silicomanganese/ Canada	Eramet Marietta Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639
A-834-807	731-TA-930	Silicomanganese/ Kazakhstan	Eramet Marietta Paper, Allied-Industrial, Chemical and Energy Workers International, Local 5-0639
A-307-820	731-TA-931	Silicomanganese/ Venezuela	Eramet Marietta Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639
A-570-868	731-TA-932	Folding metal tables and chairs/ China	Krueger International McCourt Manufacturing Meco Virco Manufacturing
C-533-825	731-TA-415	Polyethylene terephthalate film, sheet and strip (PET film)/ India	DuPont Teijin Films Mitsubishi Polyester Film, LLC Toray Plastics (America)
A-533-824	731-TA-933	Polyethylene terephthalate film, sheet, and strip (PET film)/ India	DuPont Teijin Films Mitsubishi Polyester Film, LLC Toray Plastics (America)
A-583-837	731-TA-934	Polyethylene terephthalate film, sheet and strip (PET film)/ Taiwan	DuPont Teijin Films Mitsubishi Polyester Film, LLC Toray Plastics (America)

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-337-806	731-TA-948	Individually quick frozen red raspberries/Chile	A&A Berry Farms Bahler Farms Bear Creek Farms David Burns Columbia Farms Columbia Fruit George Culp Dobbins Berry Farm Enfield Firestone Packing Heckel Farms George Hoffman Farms Wendell Kreder Curt Maberry Maberry Packing Mike & Jean's Nguyen Berry Farms Nick's Acres North Fork Parson Berry Farm Pickin' N' Pluckin Postage Stamp Farm Rader RainSweet Scenic Fruit Silverstar Farms Tim Straub Theony Farms Townsend Tsugawa Farms Updike Berry Farms Van Laeken Farms
A-570-866	731-TA-921	Folding gift boxes/China	Field Container Harvard Folding Box Sterling Packaging Superior Packaging
A-427-818	731-TA-909	Low enriched uranium/France	USEC
C-427-819	701-TA-409	Low enriched uranium/France	USEC
C-428-829	701-TA-410	Low enriched uranium/Germany	USEC
C-421-809	701-TA-411	Low enriched uranium/Netherlands	USEC

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-412-821	701-TA-412	Low enriched uranium/ United Kingdom	USEC
A-427-820	731-TA-913	Stainless steel bar/France	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
A-428-830	731-TA-914	Stainless steel bar/Germany	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
A-475-829	731-TA-915	Stainless steel bar/Italy	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
A-580-847	731-TA-916	Stainless steel bar/Korea	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-412-822	731-TA-918	Stainless steel bar/United Kingdom	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
C-475-830	701-TA-413	Stainless steel bar/Italy	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
A-570-867	731-TA-922	Automotive replacement glass windshields/China	Apogee Enterprises PPG Industries Safelite Glass Visteon Corporation
A-570-873	731-TA-986	Ferrovandium/China	Bear Metallurgical Corp Shieldalloy Metallurgical Corp.
A-791-815	731-TA-987	Ferrovandium/South Africa	Bear Metallurgical Co. Shieldalloy Metallurgical Corp.
C-351-833	701-TA-417	Carbon and certain alloy steel wire rod/Brazil	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp. Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills

Commerce case number	Commission case number	Product/country	Petitioners/supporters
C-122-841	701-TA-418	Carbon and certain alloy steel wire rod/Canada	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp. Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-351-832	731-TA-953	Carbon and certain alloy steel wire rod/Brazil	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp. Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-122-840	731-TA-954	Carbon and certain alloy steel wire rod/Canada	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp. Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-560-815	731-TA-957	Carbon and certain alloy steel wire rod/Indonesia	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp. Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-201-830	731-TA-958	Carbon and certain alloy steel wire rod/Mexico	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp. Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-841-805	731-TA-959	Carbon and certain alloy steel wire rod/Moldova	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp. Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-274-804	731-TA-961	Carbon and certain alloy steel wire rod/Trinidad & Tobago	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp. Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-823-812	731-TA-962	Carbon and certain alloy steel wire rod/Ukraine	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Connecticut Steel Corp. Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
C-437-805	701-TA-426	Sulfanilic acid/Hungary	Nation Ford Chemical
A-437-804	731-TA-426	Sulfanilic acid/Hungary	Nation Ford Chemical
A-471-806	731-TA-427	Sulfanilic acid/Portugal	Nation Ford Chemical
A-821-817	731-TA-991	Silicon metal/Russia	Globe Metallurgical Inc. SIMCALA, Inc.
A-570-875	731-TA-990	Non-malleable cast iron pipe fittings/China	Anvil International, Inc. Buck Co., Inc. Frazier & Frazier Industries Ward Manufacturing, Inc.

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-570-877	731-TA-1010	Lawn & garden steel fence posts/China	Steel City Corp.
A-588-861	731-TA-1016	Polyvinyl alcohol/Japan	Celenex Ltd. E. I. DuPont de Nemours & Co.
A-570-878	731-TA-1013	Saccharin/China	PMC Specialties Group, Inc.
A-552-801	731-TA-1012	Certain Frozen Fish Fillets/Viet Nam	America's Catch Inc. Aquafarms Catfish, Inc. Carolina Classics Catfish, Inc. Consolidated Catfish Companies, Inc. Fish Processors, Inc. Guidry's Catfish, Inc. Haring's Pride Catfish Harvest Select Catfish (Alabama Catfish, Inc.) Heartland Catfish Co. (TT&W Farm Products, Inc.) Prairie Lands Seafood (Illinois Fish Farmers Cooperative) Pride of the Pond Pride of the South Catfish, Inc. Prime Line, Inc. Seabrook Seafood, Inc. Seacat (Arkansas Catfish Growers) Simmons Farm Raised Catfish, Inc. Southern Pride Catfish, LLC
C-580-851	701-TA-431	DRAMS and DRAM Modules/Korea	Dominion Semiconductor, LLC/Micron Technology, Inc. Infineon Technologies Richmond, LP Micron Technology, Inc.
A-570-880	731-TA-1020	Barium Carbonate/China	Chemical Products Corp.

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-570-849	731-TA-753	Cut-to-length Carbon Steel Plate/China	Geneva Gulf
A-122-847	731-TA-1019B	Hard Red Spring Wheat/Canada	North Dakota Wheat Commission
C-122-848	701-TA-430B	Hard Red Spring Wheat/Canada	North Dakota Wheat Commission
A-570-879	731-TA-1014	Polyvinyl Alcohol/China	Celanese Ltd. E.I. du Pont de Nemours & Co.
A-580-850	731-TA-1017	Polyvinyl Alcohol/Korea	Celanese Ltd. E.I. du Pont de Nemours & Co.
A-570-881	731-TA-1021	Malleable Iron Pipe Fittings/China	Anvil International, Inc. Buck Co., Inc. Ward Manufacturing, Inc.
A-570-882	731-TA-1022	Refined Brown Aluminum Oxide/China	C-E Minerals Treibacher Schleifmittel North America, Inc. Washington Mills Co., Inc.
A-588-862	731-TA-1023	Certain Ceramic Station Post Insulators/Japan	Lapp Insulator Co., LLC Newell Porcelain Co., Inc. Victor Insulators, Inc.
C-533-829	701-TA-432	Prestressed Concrete Steel Wire Strand/India	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia, LLC Strand Tech Martin, Inc. Sumiden Wire Products Corp.
A-351-837	731-TA-1024	Prestressed Concrete Steel Wire Strand/Brazil	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia, LLC Strand Tech Martin, Inc. Sumiden Wire Products Corp.

Commerce case number	Commission case number	Product/country	Petitioners/supporters
A-533-828	731-TA-1025	Prestressed Concrete Steel Wire Strand/India	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia, LLC Strand Tech Martin, Inc. Sumiden Wire Products Corp.
A-580-852	731-TA-1026	Prestressed Concrete Steel Wire Strand/Korea	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia, LLC Strand Tech Martin, Inc. Sumiden Wire Products Corp.
A-201-831	731-TA-1027	Prestressed Concrete Steel Wire Strand/Mexico	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia, LLC Strand Tech Martin, Inc. Sumiden Wire Products Corp.
A-549-820	731-TA-1028	Prestressed Concrete Steel Wire Strand/Thailand	American Spring Wire Corp. Insteel Wire Products Co. Sivaco Georgia, LLC Strand Tech Martin, Inc. Sumiden Wire Products Corp.
A-588-854	731-TA-860	Tin-mill products/Japan	Weirton Steel Independent Steelworkers United Steelworkers of America

DEPARTMENT OF HOMELAND SECURITY,
OFFICE OF THE COMMISSIONER OF CUSTOMS.

Washington, DC, June 2, 2004,

The following documents of the Bureau of Customs and Border Protection ("CBP"), Office of Regulations and Rulings, have been determined to be of sufficient interest to the public and CBP field offices to merit publication in the CUSTOMS BULLETIN.

SANDRA L. BELL,
*Acting Assistant Commissioner,
Office of Regulations and Rulings.*

19 CFR PART 177

**PROPOSED REVOCATION OF TREATMENT RELATING TO
THE TARIFF CLASSIFICATION OF DURAPORE® FILTER-
ING MATERIAL ON ROLLS**

AGENCY: Bureau of Customs and Border Protection, Department of Homeland Security

ACTION: Notice of proposed revocation of treatment of Durapore® filtering material on rolls

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625 (c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs intends to revoke any treatment concerning the tariff classification of Durapore® filtering material on rolls, under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. Comments are invited on the correctness of the proposed actions.

DATE: Comments must be received on or before July 16, 2004.

ADDRESS: Written comments are to be addressed to Bureau of Customs and Border Protection, Office of Regulation and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Comments submitted may be inspected at 799 9th St. N.W. during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Joseph Clark at (202) 572-8768.

FOR FURTHER INFORMATION CONTACT: Allyson Mattanah, General Classification Branch, (202) 572-8784.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are "informed compliance" and "shared responsibility." These concepts are premised on the idea that in order to maximize voluntary compliance with Customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on Customs to provide the public with improved information concerning the trade community's responsibilities and rights under the Customs and related laws. In addition, both the trade and Customs share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable Customs to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625(c)(2)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs intends to revoke any treatment pertaining to the tariff classification of Durapore® filtering material on rolls. Although in this notice Customs is specifically referring to treatment of Durapore® filtering material on rolls accorded to one importer, this notice covers any treatment or rulings on this merchandise which may exist but have not been specifically identified. Customs has undertaken reasonable efforts to search existing data bases for rulings but none have been found. This notice will cover any rulings on this merchandise that may exist but have not been specifically identified. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should advise Customs during this notice period.

As stated above, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625(c)(2)), as amended by section 623 of Title VI, Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions of third parties. This

treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to another party, Customs personnel applying a ruling of another party to importations of the same or similar merchandise, or the importer's or Customs previous interpretation of the Harmonized Tariff Schedule of the United States (HTSUS). Any person involved in substantially identical transactions should advise Customs during this notice period. An importer's failure to advise Customs of substantially identical transactions or of a specific ruling may raise issues of reasonable care on the part of the importer or his agents for importations of merchandise subsequent to this notice.

Customs, pursuant to 19 U.S.C. 1625(c)(2), intends to revoke previously accorded treatment of Durapore® filtering material on rolls, and any ruling not specifically identified, to reflect the proper classification of the merchandise pursuant to the analysis set forth in proposed HQ 967003, which is set forth as an attachment to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. Before taking this action, consideration will be given to any written comments timely received.

Dated: May 28, 2004

John Elkins for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachment

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,

HQ 967003
CLA-2 RR:CR:GC 967003 AM
CATEGORY: CLASSIFICATION
TARIFF NO.: 3921.19.0000

MR. MELVIN S. SCHWECHTER
LEBOEUF, LAMB, GREENE, MACRAE, L.L.P.
1875 Connecticut Ave., N.W. Ste. 1200
Washington, D.C. 20009-5728

Re: Revocation of Treatment; Durapore® Filtering Material imported in rolls

DEAR MR. SCHWECHTER:

This is in reference to your letter of January 13, 2004, on behalf of Millipore Corp., concerning the classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of Durapore® filtering material imported from Ireland in rolls. We have considered the arguments you made in a supplemental submission, dated April 21, 2004, and a meeting at Head-

quarters on that date. According to the information you provided, your client has confirmed that it has imported Durapore® material on rolls into the United States under subheading 8421.99.0080, HTSUS, the provision for parts of filtering apparatus, since 1997 without incident, thus creating an established treatment of these goods. We believe this treatment is in error. We propose to revoke it pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625 (c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057).

FACTS:

Durapore® is porous filtering material made from polyvinylidene fluoride (PVDF) that is designed to accomplish the sterile filtration of liquids and gasses. The Durapore® material is imported in rolls.

After entry, the material is cut into specific shapes required for insertion into the filter housing. The material may also be pleated or laminated for particular housing. The finished Durapore® filter is inserted into a filtering device used primarily to remove bacteria in the pharmaceutical, biopharmaceutical, electronics and food and beverage industries.

Durapore® filtering material is created with one of two specific numbers of pores. Although identical to the naked eye, the material is treated differently. Rolls of material with certain porosity are cut into circles after entry. The circles are encased in plastic discs which are assembled into different size filters. The diameter of the circles and pattern of cutting them from the roll is constant thus creating the same number of circular filter disc inserts from any given length of material. Rolls of material with the other porosity are pleated and fitted into a plastic cartridge casing. The number and size of the pleats remains constant such that the same number of pleated filter cartridge inserts are created from any given length of Durapore® material. For instance, a given 100 feet of Durapore® roll may produce 1,745 discs or 72, 144, or 288 pleated cartridges with some amount of waste left over. There are no markings on the material to indicate the number of filters to be made from the material.

ISSUE:

Whether filtering material on rolls, cut to shape and inserted in housing after entry, is classifiable as parts of filtering or purifying machinery or apparatus?

LAW AND ANALYSIS:

Merchandise imported into the U.S. is classified under the HTSUS. Tariff classification is governed by the principles set forth in the General Rules of Interpretation (GRIs) and, in the absence of special language or context that requires otherwise, by the Additional U.S. Rules of Interpretation. The GRIs and the Additional U.S. Rules of Interpretation are part of the HTSUS and are to be considered statutory provisions of law.

GRI 1 requires that classification be determined first according to the terms of the headings of the tariff schedule and any relative section or chapter notes and, unless otherwise required, according to the remaining GRIs taken in order. GRI 2(a) states "[A]ny reference in a heading to an article shall be taken to include a reference to that article incomplete or unfinished, provided that, as entered, the incomplete or unfinished article has the essential character of the complete or finished article. . . ." GRI 6 requires that the classification of goods in the subheadings of headings shall be deter-

mined according to the terms of those subheadings, any related subheading notes and *mutatis mutandis*, to the GRIs.

In interpreting the HTSUS, the Explanatory Notes (ENs) of the Harmonized Commodity Description and Coding System may be utilized. The ENs, although not dispositive or legally binding, provide a commentary on the scope of each heading, and are (official interpretation of the Harmonized System at the international level) generally indicative of the proper interpretation of the HTSUS. See T.D. 89-80, 54 Fed. Reg. 35127 (August 23, 1989).

The following provisions are relevant to the classification of this product:

3921	Plates, sheets, film, foil and strip, of plastics:
3921.19	Cellular:
3921.19.0000	Of other plastic
* * *	* * *
8421	Centrifuges, including centrifugal dryers; filtering or purifying machinery and apparatus, for liquids or gases; parts thereof:
	Parts:
8421.99.00	Other:
8421.99.0080	Other
* * *	* * *

EN 84.21 states, in pertinent part, the following:

PARTS

Subject to the general provisions regarding the classification of parts (see the General Explanatory Note to Section XVI), the heading covers parts for the above-mentioned types of filters and purifiers. Such parts include, inter alia: . . .

It should be noted, however, that filter blocks of paper pulp fall in heading 48.12 and that many other **filtering elements** (ceramics, textiles, felts, etc.) **are classified according to their constituent material.** (emphasis added).

The issue of whether material is to be deemed an article, whether finished or unfinished, has been examined at length by the courts. Customs has long adhered to the general principle set forth in the following cases, that goods which remain material when entered are not classifiable as a particular, identifiable article unfinished. See *The Harding Co. et al v. United States*, 23 CCPA 250, T.D. 48109 (1936) (rolls of brake lining held to be material because the identity of the brake lining was not fixed with certainty); *American Import Co. v. United States*, 26 CCPA 72, 75, T.D. 49612 (1938) (lengths of silk fishing leader gut classified as manufactures of silk rather than unfinished leaders); *F.H. Paul & Stein Bros., Inc. v. United States*, 44 Cust. Ct. 130, C.D. 2166 (1960) (rolls of aluminum foil without lines of demarcation held to be material and not articles featuring an electrical element or device); *Sandvik Steel, Inc. v. United States*, 66 Cust. Ct. 12, C.D. 4161, 321 F.Supp. 1031 (1971) (knife steel in coils with no lines of demarcation, requir-

ing cutting to length, held to be material rather than unfinished blades); *Naftone, Inc. v. United States*, 67 Cust. Ct. 340, C.D. 4294 (1971) (rolls of plastic film without demarcations, having only one use, held to be insulating material).

In *Baxter Healthcare Corp. of Puerto Rico v. U. S.*, 182 F.3d 1333, 1338-9, (1999), the disputed merchandise was monofilament imported in rolls for use in oxygenators. The Court states:

Whether an imported item that is made into multiple parts after import is classifiable as "parts" of other articles under the HTSUS involves two questions. First, the item must be dedicated solely or principally for use in those articles and must not have substantial other independent commercial uses. See *Bauerhin*, 110 F.3d at 779. If the item has substantial other commercial uses, "it is a distinct and separate commercial entity," not a part. *Id.* (quoting *United States v. Willoughby Camera Stores, Inc.*, 21 C.C.P.A. 322 (1933)). In this case, it is undisputed that Oxyphan® has no commercial use other than making membrane oxygenators and therefore is "dedicated" to such use.

Second, if the item as imported can be made into multiple parts of articles, the item must identify and fix with certainty the individual parts that are to be made from it. See *The Harding Co. v. United States*, 23 C.C.P.A. 250, 253 (1936). In *Harding*, our predecessor court held that an imported item made from asbestos yarn, wire, and a mixture of other materials, used for the sole purpose of making brake linings, was properly classified as a manufacture of yarn rather than as a "part" of an automobile because the individual brake lining parts to be made from it were not identified or otherwise "fixed with certainty"; rather, the item had to be individually cut to custom fit each brake shoe made. See *id.* at 252-53. "In the condition as imported, the long roll of brake-lining material has in no manner been dedicated to the making of any particular brake lining. To be a part of an automobile, that is a brake lining, it must be more than mere material for making a brake lining." *Id.* at 252. In this case, it is undisputed that each roll of Oxyphan® contributes material to approximately four oxygenators. At the time of import, the individual parts cannot be discerned from the roll, and the roll nowhere marks or otherwise identifies the individual parts to be made from it. Rather, Baxter individually cuts lengths of Oxyphan® from a roll and custom-fits them around a steel bellows. The exact length needed per oxygenator is not known until the oxygenator is made. Because the individual parts are not identifiable or fixed at the time of import, Oxyphan® cannot be classified as a "part" of an oxygenator.

Like the Oxyphan® material in *Baxter*, the instant merchandise is a specialized material, dedicated to only one use, but not fixed with certainty as a part. The Durapore® material is imported in rolls and is cut to specific sizes and shapes after entry. No objective assessment of the number of filter discs or pleated inserts can be gleaned from the material as imported. Like the Oxyphan® material in *Baxter*, the discs and pleated cartridges are cut from the Durapore® material with some material left over. Accordingly, the dimensions, and therefore, the identity, of the article to be made from the imported goods is neither fixed nor certain and those goods can not be considered a "part" of filtering machinery or apparatus.

Furthermore, contrary to your contention, EN 84.21 does not demand a finding otherwise. In fact, the EN states that many filtering elements are classified according to their constituent material.

Lastly, the cases you cite do not support the conclusion you advocate. The court in *Clipper Belt Lacer Co., Inc. v. United States*, 14 CIT 146, 738 F. Supp. 528 (1990), did not define a "second line of cases" as you contend. Rather, *Clipper Belt* dealt with distinct fasteners for belt conveyors under the Tariff Schedule of the United States (TSUS), not merchandise imported in material lengths under the HTSUS. The court in *Ludvig Svensson Inc. v. United States*, 62 F. Supp. 2d 1171, noted that its findings were peculiar to agricultural products as dictated in the legislative history to the provisions discussed therein. *Id.* at 1177. Furthermore, in NY A88742, dated July 1, 1997, the product was imported cut and punched to various configurations for specific machines. In G81815, dated September 29, 2000, the product was unfinished but entered in the approximate size and shape of the finished product. Therefore, these cases do not contradict the Baxter analysis described above as they do not deal with products imported in material lengths.

HOLDING:

Durapore® filtering material imported in rolls is classified in subheading 3921.19.0000, HTSUS, the provision for "Plates, sheets, film, foil and strip, of plastics: Cellular: Of other plastics." The rate of duty is 6.5% *ad valorem*.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the internet at www.usitc.gov.

The treatment of Durapore® filtering material previously afforded your client is revoked.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

CC: Robert Losche, Joan Mazzola
NCSO

**PROPOSED REVOCATION OF RULING LETTERS AND
TREATMENT RELATING TO TARIFF CLASSIFICATION
OF MOISTURE METERS**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of proposed revocation of three ruling letters, and revocation of treatment relating to tariff classification of moisture meters.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930, (19 U.S.C. 1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that Customs intends to revoke three ruling let-

ters pertaining to the tariff classification of moisture meters under the Harmonized Tariff Schedule of the United States ("HTSUS"). Customs also intends to revoke any treatment previously accorded by Customs to substantially identical transactions. Comments are invited on the correctness of the proposed action.

DATE: Comments must be received on or before July 16, 2004.

ADDRESS: Written comments (preferably in triplicate) are to be addressed to U.S. Customs and Border Protection, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Comments submitted may be inspected at Customs and Border Protection, 799 9th Street, N.W., Washington, D.C. during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Joseph Clark at (202) 572-8768.

FOR FURTHER INFORMATION CONTACT: Neil S. Helfand, General Classification Branch, (202) 572-8791.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are "informed compliance" and "shared responsibility." These concepts are premised on the idea that in order to maximize voluntary compliance with Customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on Customs to provide the public with improved information concerning the trade community's responsibilities and rights under the Customs and related laws. In addition, both the trade and Customs share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable Customs to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(1)), this notice advises interested parties that Customs intends to revoke three ruling letters, all of which pertain to the classification of moisture meters. Although in this notice Customs is specifically referring to three rulings, NY 895922, NY

860128 and HQ 089800, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. Customs has undertaken reasonable efforts to search existing data bases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should advise Customs during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930, as amended (19 U.S.C. 1625(c)(2)), Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, Customs personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or Customs previous interpretation of the Harmonized Tariff Schedule of the United States. Any person involved in substantially identical transactions should advise Customs during this notice period. An importer's failure to advise Customs of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final notice of this proposed action.

In HQ 089800, NY 860128 and NY 895922, dated March 30, 1994, September 13, 1991 and February 21, 1991, respectively, set forth as Attachments A, B and C, respectively, to this document, Customs classified two models of moisture meters under subheading 9027.80.80, HTSUS, as: "other instruments and apparatus for physical or chemical analysis."

It is now Customs position that the moisture meters are classified under subheading 9025.80.3500, HTSUSA, as "non-recording hygrometers."

Pursuant to 19 U.S.C. 1625(c)(1), Customs intends to revoke NY 895922, HQ 089800 and NY 860128 and any other ruling not specifically identified in order to reflect the proper classification of the merchandise pursuant to the analyses set forth in proposed HQ 966940 and HQ 966941, which are set forth as Attachments D and E, respectively, to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs intends to revoke any treatment previously accorded by Customs to substantially identical transactions. Before taking this action, we will give consideration to any written comments timely received.

DATED: May 28, 2004

John Elkins for MYLES B. HARMON,
Director,
Commercial Rulings Division.

Attachments

[ATTACHMENT A]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,

HQ 089800
September 13, 1991
CLA-2 CO:R:C:M 089800 KCC
CATEGORY: Classification
TARIFF NO.: 9027.80.80

MS. DINA MEEKINS
HENSEL, BRUCKMANN & LORBACHER INC.
J.F.K. International Airport
Jamaica, New York 11430

RE: Moisture Analyzer; Reconsideration of NYR 860128; GRI 1; Pharmacia
Fine Chemicals; instruments for physical and chemical analysis; use
provision; EN 90.16; EN 85.14; Note 1(m), Section XVI

DEAR MS. MEEKINS:

This is in reference to your letter dated May 31, 1991, requesting reconsideration of New York Ruling (NYR) 860128 dated February 21, 1991, concerning the tariff classification of moisture analyzers from Switzerland, under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA).

FACTS:

The merchandise at issue is the Mettler LJ16 moisture analyzer. NYR 860128 held that the moisture analyzer was classified under subheading 9027.80.80, HTSUSA, as "Other instruments and apparatus for physical and chemical analysis . . . Other." You state that the moisture analyzer is a balance and should be classified under either subheading 9016.00.20, HTSUSA, which provides for balances of a sensitivity of 5 cg or better, or subheading 8514.10.00, HTSUSA, which provides for resistance heated furnaces and ovens.

The LJ16 moisture analyzer is used in operations where the moisture content of the same materials has to be routinely determined daily, i.e., quality assurance operations and production processes. Essentially, it consists of a balance and an infrared dryer. After placing a sample on the balance and closing the lid, the weight of the sample is automatically recorded. Immediately thereafter, the sample is dried with the use of infrared radiation. Upon completion of the drying process, the moisture content of the sample is displayed in grams and by a percentage. In addition, data on the drying time and temperature can be obtained.

The dryer is not an optional component for the LJ16.

However, Mettler does sell separate infrared dryers (LP16s) for use with the Mettler PM and PE series of balances which can be easily removed from the PM and PE balances for regular weighing.

ISSUE:

Is the Mettler LJ16 moisture analyzer properly classified under heading 8514, HTSUSA, as "Industrial or laboratory electric . . . furnaces and ovens," or heading 9016, HTSUSA, as "Balances of a sensitivity of a 5 cg or better," or heading 9027, HTSUSA, as "Instruments and apparatus for physical or chemical analysis"?

LAW AND ANALYSIS:

The classification of merchandise under the HTSUSA is governed by the General Rules of Interpretation (GRI's). GRI 1, HTSUSA, states in part that "for legal purposes, classification shall be determined according to the terms of the headings and any relative section or chapter notes . . . according to the following provisions . . ." The competing headings in this case are headings 8514, 9016, and 9027, HTSUSA. The headings describe:

8514	Industrial or laboratory electric (including induction or dielectric) furnaces and ovens. . .
8514.10.00	Resistance heated furnaces and ovens.
* * *	* * * * *
9016	Balances of a sensitivity of a 5 cg or better, with or without weights; parts and accessories thereof . . .
9016.00.20	Electrical balances and parts and accessories thereof.
* * *	* * * * *
9027	Instruments and apparatus for physical or chemical analysis...
9027.80.80	Other instruments and apparatus. . .
Other. . .	Chemical analysis instruments and apparatus.

Heading 9027, HTSUSA, provides for "... instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus)." NYR 860128 held that the moisture analyzer satisfied the terms of this heading because it is used for the "physical and chemical analysis" of a material. The term physical and chemical analysis is not defined within heading 9027, HTSUSA. However, the examples cited of apparatus for "physical and chemical analysis" include such devices as polarimeters (which measure the angle through which the plane of polarization of a ray of light is rotated), refractometers (which determine the refractive index of liquids or solids), and spectrometers (which measure the wave-lengths of emission and absorption spectra). The moisture analyzer does not perform these type of functions. Instead, it is designed to determine the moisture content of a material.

The Court of International Trade has stated that the phrase "instruments and apparatus for physical and chemical analysis" describes articles that are chiefly used to facilitate physical or chemical determination of the quantity, qualities, or composition of a substance. *Pharmacia Fine Chemicals, Inc. v. United States*, 9 CIT 438, 441 (CIT 1985).

Congress has indicated that earlier tariff decisions must not be disregarded in applying the HTSUSA. The conference report to the Omnibus Trade Bill of 1988, states that "on a case-by-case basis prior decisions should

be considered instructive in interpreting the HTS[USA], particularly where the nomenclature previously interpreted in those decisions remain unchanged and no dissimilar interpretation is required by the text of the HTS[USA]." H. Rep. No. 100-576, 100th cong., 2d Sess. 548, 550 (1988). This situation exists in the present case. The nomenclature involved in Pharmacia and in heading 9027, HTSUSA, both contain the phrase "instruments and apparatus for physical and chemical analysis". In addition, the HTSUSA does not define the term "physical and chemical analysis" nor refute the interpretation of this phrase rendered under the TSUS.

Therefore, we find the description of the phrase "physical and chemical analysis" rendered in Pharmacia instructive in this instance.

Heading 9027, HTSUSA, is a use provision. A tariff classification controlled by use (other than actual use) is governed by principal use. Additional U.S. Rule of Interpretation 1(a), HTSUSA. The principal use of the moisture analyzer is to determine the moisture content of a sample, rather than the weight of the sample. The weight of the sample before and after the drying process allows the moisture analyzer to determine the moisture content of the sample. Therefore, the moisture analyzer is more specifically described as an instrument for physical analysis as provided for in subheading 9027.80.80, HTSUSA.

Subheading 9016.00.20, HTSUSA, provides for electrical balances of a sensitivity of 5 cg or better. You argue that the moisture analyzer is classifiable as an electrical balance within this tariff provision. The electrical balances in this tariff provision can be used to record the variations in weight of substances submitted to special treatment, such as heating.

Harmonized Commodity Description and Coding System (HCDCS), Explanatory Note (EN) 90.16, Vol. 4, p. 1485. The ENs, although not dispositive, are to be looked to for the proper interpretation of the HTSUSA. 54 Fed. Reg. 35127, 35128 (August 23, 1989). The electrical balances in subheading 9016.00.20, HTSUSA, merely involve measuring the weight variations of a material, whereas the moisture analyzer principle use is to determine the moisture content of a material by using the weight factors taken from the balance. The moisture analyzer does not satisfy the terms of this subheading. Accordingly, the moisture analyzer is not properly classifiable within this subheading.

Subheading 8514.10.00, HTSUSA, provides for resistance heated furnaces and ovens. Additionally, you argue that the moisture analyzer is classifiable within this subheading. The furnaces and ovens described in this subheading include such items as ovens for bread making, dental ovens, crematorium furnaces, and furnaces for incinerating waste, but excludes electrically heated apparatus for drying. HCDCS, EN 85.14, Vol. 4, p. 1352. The moisture analyzer does not satisfy the terms of this subheading as it is a device used to determine the moisture content of a material. Additionally, classification under subheading 8514.10.00, HTSUSA, is precluded pursuant to Note 1(m), Section XVI, HTSUSA, which states that "this section does not cover articles of chapter 90." Accordingly, the moisture analyzer is not properly classifiable within this subheading.

HOLDING:

The Mettler moisture analyzer is properly classified under subheading 9027.80.80, HTSUSA, as "Instruments and apparatus for physical or chemi-

cal analysis . . . Other instruments and apparatus . . . Other . . . Chemical analysis instruments and apparatus." Accordingly, NYR 860128 is affirmed.

JOHN DURANT,
*Director,
Commercial Rulings Division.*

[ATTACHMENT B]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,

NY 860128
FEB 21, 1991
CLA-2-90:S:N:N1:104 860128
CATEGORY: Classification
TARIFF NO.: 9027.80.8030

MS. DINA MEEKINS
H.B. & L. INC.
*Building 80 JFK International Airport
Jamaica, NY 11430*

RE: The tariff classification of a moisture analyzer from Switzerland.

DEAR MS. MEEKINS:

In your letter dated January 18, 1991, you requested a tariff classification ruling on behalf of Mettler Instruments Corporation.

The METTLER LJ16 moisture analyzer is used in operations where the moisture content of the same materials has to be routinely determined daily (e.g. quality assurance operations and production processes). After placing the aluminum pan containing the sample on the balance and closing the lid, the unit automatically records the sample's weight. Drying of the sample is immediately achieved through the use of infrared radiation. When drying is complete, the infrared dryer switches itself off. The percentage of moisture content remains on the balance display until the next drying. Throughout the operation, the drying process can be followed on the active display.

The applicable subheading for the METTLER LJ16 moisture analyzer will be 9027.80.8030, Harmonized Tariff Schedule of the United States (HTS), which provides for other chemical analysis instruments and apparatus. The rate of duty will be 6.2% ad valorem.

This ruling is being issued under the provisions of Section 177 of the Customs Regulations (19 C.F.R. 177).

A copy of this ruling letter should be attached to the entry documents filed at the time this merchandise is imported. If the documents have been filed without a copy, this ruling should be brought to the attention of the Customs officer handling the transaction.

JEAN F. MAGUIRE,
*Area Director,
New York Seaport.*

[ATTACHMENT C]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,

NY 895922
March 30, 1994
CLA-2-90:S:N:N1:104 895922
CATEGORY: Classification
TARIFF NO.: 9027.80.8030

MR. JAMES ALBERTI
A.J. ARANGO, INC.
1516 E. Eighth Avenue
Tampa, FL 33605

RE: The tariff classification of moisture testers from England.

DEAR MR. ALBERTI:

In your letter dated March 16, 1994 on behalf of Feaster Horticultural Corp. of Ellenton, Florida you requested a tariff classification ruling. The Speedy Moisture Tester is used to test the moisture in soils and aggregates. The literature indicates that the unit is a calcium carbide gas pressure moisture tester in which free moisture in the test material reacts with the calcium carbide reagent to form acetylene gas. This gas, sealed in the Speedy body, registers the percentage of moisture in the sample on the Bourdon type gauge, an integral part of the body. The percentage moisture content is displayed in terms of "wet" or "dry" weight.

The applicable subheading for the Speedy Moisture Tester will be 9027.80.8030, Harmonized Tariff Schedule of the United States (HTS), which provides for other instruments and apparatus for physical or chemical analysis: other: other. The rate of duty will be 6.2 percent.

This ruling is being issued under the provisions of Section 177 of the Customs Regulations (19 C.F.R. 177).

A copy of this ruling letter should be attached to the entry documents filed at the time this merchandise is imported. If the documents have been filed without a copy, this ruling should be brought to the attention of the Customs officer handling the transaction.

JEAN F. MAGUIRE,
*Area Director,
New York Seaport.*

[ATTACHMENT D]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,

HQ 966940

CLA-2 RR:CR:GC 966940 NSH

CATEGORY: Classification

TARIFF NO.: 9025.80.3500

MR. JAMES ALBERTI
A.J. ARANGO, INC.
1516 E. Eighth Avenue
Tampa, FL 33605

RE: NY 895922 revoked; Moisture tester

DEAR MR. ALBERTI:

This is in response to the receipt by U.S. Customs and Border Protection of supplemental information pertaining to moisture analyzers. This information has resulted in our reconsideration of NY 895922, dated March 30, 1994, and issued to you at that time, on the classification of a moisture tester, imported by Feaster Horticultural Corp., under the Harmonized Tariff Schedule of the United States (HTSUS).

FACTS:

The merchandise at issue is the "Speedy Moisture Tester." On March 30, 1994, Customs issued NY 895922, holding that the moisture tester was classified under subheading 9027.80.80, HTSUS (1991), as "Other instruments and apparatus for physical and chemical analysis . . . Other."

The Speedy Moisture Tester is used to test the moisture in soils and aggregates. The literature provided indicates that the unit is a calcium carbide gas pressure moisture tester in which free moisture in the test material reacts with a calcium carbide reagent to form acetylene gas. This gas, sealed in the body of the Speedy Moisture Tester, registers the percentage of moisture in the sample on a Bourdon-type gauge, an integral part of the body of the merchandise. The percentage of moisture content is displayed in terms of "wet" or "dry" weight.

ISSUE:

Whether the Speedy Moisture Tester is a hygrometer of heading 9025, HTSUS.

LAW AND ANALYSIS:

Merchandise is classifiable under the HTSUS in accordance with the General Rules of Interpretation (GRI). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes and, provided such headings or notes do not otherwise require, according to the remaining GRIs.

The Explanatory Notes (EN) to the Harmonized Commodity Description and Coding System represent the official interpretation of the tariff at the international level. The ENs, although neither dispositive or legally binding, facilitate classification by providing a commentary on the scope of each heading of the HTSUS, and are generally indicative of the proper interpretation of these headings. See T.D. 89-80.

The HTSUS provisions under consideration are as follows:

9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments; parts and accessories thereof:
9025.80	Other instruments:
	Other:
9025.80.35	Hygrometers and psychrometers, non-recording
*	* * * * *
9025.80.40	Thermographs, barographs, hygrographs and other recording instruments
*	* * * * *
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes; parts and accessories thereof:
9027.80	Other instruments and apparatus:
	Other:
9027.80.80	Other

In NY 895922, Customs classified the Speedy Moisture Tester under subheading 9027.80.80, HTSUS (there have been no changes to the HTSUS with regard to this subheading since the issuance of this ruling). The Speedy Moisture Tester is designed to determine the moisture content of soils and aggregates. The unit is essentially a calcium carbide gas pressure moisture tester and it determines moisture content by reacting the sample with a calcium carbide reagent to form acetylene gas. An examination of the gas using a Bourdon-type gauge then reveals the percentage of moisture in the sample, displaying it in terms of "wet" or "dry" weight.

EN 90.25 states in pertinent part as follows:

(D) **Hygrometers and Hygrographs**

These are used to determine the moisture content of the air, other gases or solid matter. The main types are:

- (1) **Chemical hygrometers**, based on absorption of moisture by chemical substances which are then weighed.

EN 90.27 states in pertinent part as follows:

This heading also **excludes**:

...

- (h) Hydrometers, thermometers, hygrometers and similar instruments of **heading 9025**, whether or not for use in laboratories.

Customs notes initially that the moisture tester at issue is not substantially similar to the exemplars listed in EN 90.27, as there is no example therein of a device that determines the moisture content of a sample. In contrast, EN 90.25 (D) describes hygrometers as being used to "determine the moisture content of . . . **solid matter**" [Emphasis added], and the description for chemical hygrometers shows that they are a type of hygrometer used to determine the moisture content of solid matter. Although the chemical hygrometer is described as weighing a chemical substance subsequent to the absorption of moisture in order to determine moisture content, we note that the Speedy Moisture Tester, although employing a different evaluation process, similarly undertakes to determine the moisture content of a solid material. It should be noted that the meaning of an *eo nomine* designation is determined as of the effective date of the tariff statute, but will nevertheless include all articles subsequently created which fairly come within its scope. *Sears Roebuck & Co. v. United States*, 46 CCPA 79, C.A.D. 701 (1959); *Hoyt, Shetston & Sciaroni et al.*, 52 CCPA 101, C.A.D. 865 (1965). Furthermore, if the difference is in the nature of an improvement and the essential character is preserved or incidentally altered, an unlimited *eo nomine* designation will include it. *Robert Bosch Corp. et al. V. United States*, 63 Cust. Ct. 96, 103-104, C.D. 3881 (1969). As such, although previously classified under heading 9027, HTSUS, the Speedy Moisture Tester is provided for under heading 9025, HTSUS. Therefore, the exclusion within EN 90.27 is applicable and, consequently, the Speedy Moisture Tester cannot be classified under heading 9027, HTSUS.

Customs has previously ruled that devices used for ascertaining the moisture content of a solid are classified under heading 9025, HTSUS. In NY E86303, dated September 14, 1999, Customs classified a moisture meter under subheading 9025.80.35, HTSUS. Similar to the Speedy Moisture Tester, the moisture meter classified therein was likewise designed to measure the moisture content in a solid, namely the presence of liquid water in soil. In addition, in NY G86536, dated February 15, 2001, Customs classified a moisture meter under subheading 9025.80.10, HTSUS. The product, called the "Moisture Meter-Sonde Hygrometrique," determined the moisture content of soil and, therefore, is also functionally equivalent to the Speedy Moisture Tester.

Within heading 9025, HTSUS, the Speedy Moisture Tester is not considered an electrical instrument for classification purposes. Additional U.S. Note 2 to chapter 90 addresses the term "electrical" and states as follows:

For the purposes of this chapter, the term "electrical" when used in reference to instruments, appliances, apparatus and machines, refers to those articles the operation of which depends on an electrical phenomenon which varies according to the factor to be ascertained.

Customs notes that the "Moisture Meter-Sonde Hygrometrique," described above, is considered an "electrical" instrument because of the process employed by that model to determine the moisture content of soil. The instrument determines moisture content by having the user insert a metal rod composed of zinc and copper into the soil that is being measured. The rod is then reacted by the milli-voltage in the soil to obtain an accurate reading. As such, this moisture meter relies in part on electricity in order to obtain a reading because the proportional variation of voltage in different soil samples will yield different results. In contrast, the Speedy Moisture Tester

deduces moisture content by ascertaining the percentage of moisture in acetylene gas, which was obtained by reacting the soil or other aggregate material with a calcium carbide reagent to form the acetylene gas. Although the instrument is powered by electricity, it is distinguishable from instruments of chapter 90 that are termed "electrical" because there is no variance in the electrical current that can affect the outcome of the measurement process. Therefore, the Speedy Moisture Tester is not an electrical instrument.

Finally, the Speedy Moisture Tester appears to be a non-recording instrument because it is not designed to record changes in the moisture content of a sample over time, as would a hygrograph. EN 90.25 states that hygrographs are "similar to hair hygrometers but record variations of relative humidity. . ." Similarly, Webster's Third New International Dictionary of the English Language Unabridged (1993), defines "hygrograph" as "an instrument for recording automatically variations in the humidity of the atmosphere." Presumptively, the information obtained by a hygrograph is used to construct a graph over time that documents these atmospheric variations. These definitions for a hygrograph are in keeping with its *eo nomine* designation under subheading 9025.80.40, HTSUS, which provides for "... hygrographs and other **recording instruments**" [Emphasis added]. This subheading constitutes the only direct reference to "recording instruments" within heading 9025, HTSUS. In contrast, hygrometers are specifically provided for under subheading 9025.80.35, HTSUS and it is apparent that the HTSUS does not contemplate a hygrometer, other than a hygrograph, which includes a recording capability. Furthermore, the Speedy Moisture Tester does not possess the ability to record data variations between diverse samples with the intent of constructing a graph or similar means by which to record variations between samples. In view of the foregoing, the Speedy Moisture Tester is classified under subheading 9025.80.35, HTSUS, as a non-recording hygrometer.

HOLDING:

Under the authority of GRI 1, the Speedy Moisture Tester is classified under subheading 9025.80.3500, HTSUSA, as "Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments; parts and accessories thereof: Other instruments: Other: Hygrometers and psychrometers, non-recording." The applicable rate of duty is 1.4 percent *ad valorem*. Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at www.usitc.gov.

EFFECT ON OTHER RULINGS:

NY 895922 is REVOKED.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

[ATTACHMENT E]

DEPARTMENT OF HOMELAND SECURITY.
BUREAU OF CUSTOMS AND BORDER PROTECTION,

HQ 966941
CLA-2 RR:CR:GC 966941 NSH
CATEGORY: Classification
TARIFF NO.: 9025.80.3500

MR. KERRY J. KIGGINS
METTLER TOLEDO, INC.
60 Collegeview Road
Westerville, OH 43081

RE: Q 089800 and NY 860128 revoked; Moisture Analyzer

DEAR MR. KIGGINS:

This is in response to your letter of December 29, 2003, requesting reconsideration of HQ 089800, dated September 13, 1991, on the classification of a moisture analyzer under the Harmonized Tariff Schedule of the United States (HTSUS). Your letter has been referred to this office for reply.

FACTS:

The merchandise at issue is the Mettler LJ16 moisture analyzer. NY 860128, dated February 21, 1991, held that the moisture analyzer was classified under subheading 9027.80.80, HTSUS (1991), as "Other instruments and apparatus for physical and chemical analysis . . . Other." At that time, your Customs representative stated that the moisture analyzer was an electronic balance and should have been classified under subheading 9016.00.20, HTSUS (1991), or subheading 8514.10.00, HTSUS (1991). This classification as set forth in NY 860128 was affirmed by HQ 089800.

The LJ16 moisture analyzer is used in operations where the moisture content of the same materials has to be routinely determined daily, i.e., quality assurance operations and production processes. Essentially, it consists of a weighing scale called a balance and an infrared dryer. After placing a sample on the balance and closing the lid, the weight of the sample is automatically recorded. Immediately thereafter, the sample is dried with the use of infrared radiation. Upon completion of the drying process, the moisture content of the sample is displayed in grams and by a percentage. In addition, data on the drying time and temperature can be obtained.

In requesting this reconsideration, Mettler claims classification of the Moisture Analyzer under subheading, 9027.80.45, HTSUS (2004), which provides for instruments and apparatus for physical or chemical analysis. Because HQ 089800 was itself a reconsideration of NY 860128, this ruling letter also applies to that NY ruling.

In addition, you also have provided information on five models of moisture analyzer, HB43, HG63, HG63P, HR83 and HR83P, all of which feature a halogen dryer and appear substantially similar in both primary function and measuring technique to the LJ16 at issue.

ISSUE:

Whether the LJ16 moisture analyzer is a hygrometer of heading 9025.

LAW AND ANALYSIS:

Merchandise is classifiable under the HTSUS in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that classification shall

be determined according to the terms of the headings and any relative section or chapter notes and, provided such headings or notes do not otherwise require, according to the remaining GRIs.

The Explanatory Notes (EN) to the Harmonized Commodity Description and Coding System represent the official interpretation of the tariff at the international level. The ENs, although neither dispositive or legally binding, facilitate classification by providing a commentary on the scope of each heading of the HTSUS, and are generally indicative of the proper interpretation of these headings. See T.D. 89-80.

The HTSUS provisions under consideration are as follows:

9025 Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments; parts and accessories thereof:

9025.80 Other instruments:

Other:

9025.80.35 Hygrometers and psychrometers, non-recording

* * * * *

9025.80.40 Thermographs, barographs, hygrographs and other recording instruments

* * * * *

9027 Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes; parts and accessories thereof:

9027.80 Other instruments and apparatus:

Other:

9027.80.45 Electrical

* * * * *

9027.80.80 Other

In HQ 089800, Customs classified the LJ16 moisture analyzer under subheading 9027.80.80, HTSUS (there have been no changes to the HTSUS with regard to this subheading since the issuance of HQ 089800). You assert that the LJ16 is classified under subheading 9027.80.45, HTSUS, because it is "electrical."

The LJ16 moisture analyzer is designed to determine the moisture content of a material. It accomplishes this by having the user place the sample material, which in the case of the LJ16 is a sample of solid matter, on a balance; the weight of the sample is then recorded. Subsequently, infrared radiation is used to dry the sample, which is again weighed. The divergence

between the two measurements, if any, is on account of the moisture content of the sample. It is because of the drying process that the moisture content is quantifiable; it is displayed in grams and as a percentage of the whole sample.

EN 90.25 states in pertinent part as follows:

(D) **Hygrometers and Hygrographs**

These are used to determine the moisture content of the air, other gases or solid matter. The main types are:

- (1) **Chemical hygrometers**, based on absorption of moisture by chemical substances which are then weighed.

...

EN 90.27 states in pertinent part as follows:

This heading also **excludes**:

...

- (h) Hydrometers, thermometers, hygrometers and similar instruments of heading **9025**, whether or not for use in laboratories.

Customs notes initially that the moisture analyzer at issue is not substantially similar to the exemplars listed in EN 90.27, as there is no example therein of a device that determines the moisture content of a sample. In contrast, EN 90.25 (D) describes hygrometers as being used to "determine the moisture content of . . . **solid matter**" [Emphasis added], and the description of chemical hygrometers is substantially similar to the moisture analyzer at issue. Although the chemical hygrometer is described as weighing a chemical substance subsequent to the absorption of moisture in order to determine moisture content, and the LJ16 is described as measuring the reduced weight of a solid subsequent to the evaporation of moisture in order to determine moisture content, we note that this method of weighing and measuring is essentially the same process. It should be noted that the meaning of an *eo nomine* designation is determined as of the effective date of the tariff statute, but will nevertheless include all articles subsequently created which fairly come within its scope. *Sears Roebuck & Co. v. United States*, 46 CCPA 79, C.A.D. 701 (1959); *Hoyt, Shetston & Sciaroni et al.*, 52 CCPA 101, C.A.D. 865 (1965). Furthermore, if the difference is in the nature of an improvement and the essential character is preserved or incidentally altered, an unlimited *eo nomine* designation will include it. *Robert Bosch Corp. et al. v. United States*, 63 Cust. Ct. 96, 103-104, C.D. 3881 (1969). As such, although the LJ16 was previously classified under heading 9027, HTSUS, it is provided for under heading 9025, HTSUS. Therefore, the exclusion within EN 90.27 is applicable and consequently the LJ16 cannot be classified under heading 9027, HTSUS.

Customs has previously ruled that devices used for measuring the moisture content of a solid are classified under heading 9025, HTSUS. In NY E86303, dated September 14, 1999, Customs classified a moisture meter under subheading 9025.80.35, HTSUS. Although differing significantly in both design and sensitivity from the LJ16, this moisture meter was likewise designed to measure the moisture content in a solid, namely the presence of liquid water in soil. Similarly, in NY G86536, dated February 15, 2001, Customs classified a moisture meter under subheading 9025.80.10, HTSUS. The

product, called the "Moisture Meter-Sonde Hygrometrique," measured the moisture content of soil and therefore is also functionally equivalent to the LJ16.

Within heading 9025, HTSUS, the LJ16 is not considered an electrical instrument for classification purposes. Additional U.S. Note 2 to chapter 90 addresses the term "electrical" and states as follows:

For the purposes of this chapter, the term "electrical" when used in reference to instruments, appliances, apparatus and machines, refers to those articles the operation of which depends on an electrical phenomenon which varies according to the factor to be ascertained.

Customs notes that the "Moisture Meter-Sonde Hygrometrique," described above, is considered an "electrical" instrument because of the process employed by that model to determine the moisture content of soil. The instrument determines moisture content by having the user insert a metal rod composed of zinc and copper into the soil that is being measured. The rod is then reacted by the milli-voltage in the soil to obtain an accurate reading. As such, this moisture meter relies in part on electricity in order to obtain a reading because the proportional variation of voltage in different soil samples will yield different results. In contrast, the LJ16 operates by determining the divergence of weight from a sample, subsequent to that sample being dried by infrared radiation. Although the instrument is powered by electricity, it is distinguishable from instruments of chapter 90 that are termed "electrical" because there is no variance in the electrical current that can affect the outcome of this process. Rather, it is deduced by a calculation involving the divergence from the first and second weighing of the sample. Therefore, the LJ16 is not an electrical instrument.

Finally, the LJ16 moisture analyzer appears to be a non-recording instrument because it is not designed to record changes in the moisture content of a sample over time, as would a hygrograph. EN 90.25 states that hygrographs are "similar to hair hygrometers but record variations of relative humidity. . ." Similarly, Webster's Third New International Dictionary of the English Language Unabridged (1993), defines "hygrograph" as "an instrument for recording automatically variations in the humidity of the atmosphere." Presumptively, the information obtained by a hygrograph is used to construct a graph over time that documents these atmospheric variations. These definitions for a hygrograph are in keeping with its *eo nomine* designation under subheading 9025.80.40, HTSUS, which provides for "...hygrographs and other **recording instruments**" [Emphasis added]. This subheading constitutes the only direct reference to "recording instruments" within heading 9025, HTSUS. In contrast, hygrometers are specifically provided for under subheading 9025.80.35, HTSUS and it is apparent that the HTSUS does not contemplate a hygrometer, other than a hygrograph, which includes a recording capability. Furthermore, the LJ16 moisture analyzer, although containing some limited electronic memory of individual sample measurements, does not possess the ability to record data variations between diverse samples with the intent of constructing a graph or similar means by which to display variations between samples.

In view of the foregoing, the LJ16 is classified under subheading 9025.80.35, HTSUS, as a non-recording hygrometer. You have also submitted information regarding five additional models of moisture analyzers. Because Customs believes the HB83, HG63, HG63P, HR83 and HR83P mois-

ture analyzers are updated models of the LJ16, substantially equivalent in both their primary function and measuring technique, they would also be classified under subheading 9025.80.35, HTSUS.

HOLDING:

Under the authority of GRI 1, the LJ16, HB83, HG63, HG63P, HR83 and HR83P moisture analyzers are classified under subheading 9025.80.3500, HTSUSA, as "Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments; parts and accessories thereof: Other instruments: Other: Hygrometers and psychrometers, non-recording." The applicable rate of duty is 1.4 percent *ad valorem*. Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at www.usitc.gov.

EFFECT ON OTHER RULINGS:

HQ 089800 and NY 860128 are REVOKED.

MYLES B. HARMON,
Director,
Commercial Rulings Division.

United States Court of International Trade

One Federal Plaza
New York, NY 10278

Chief Judge

Jane A. Restani

Judges

Gregory W. Carman
Thomas J. Aquilino, Jr.
Donald C. Pogue
Evan J. Wallach

Judith M. Barzilay
Delissa A. Ridgway
Richard K. Eaton
Timothy C. Stanceu

Senior Judges

Nicholas Tsoucalas
R. Kenton Musgrave
Richard W. Goldberg

Clerk

Leo M. Gordon



Decisions of the United States Court of International Trade

Slip Op. 04-56

BEFORE: SENIOR JUDGE NICHOLAS TSOUCALAS

WARNER-LAMBERT COMPANY, Plaintiff, UNITED STATES, Defendant.

Court No. 02-00254

Plaintiff, Warner-Lambert Company ("WLC"), challenges the classification of its merchandise by the Bureau of Customs and Border Protection of the Department of Homeland Security ("Customs") under Harmonized Tariff Schedule of the United States ("HTSUS"), subheading 1704.90.35, 19 U.S.C. § 1202 (2000), as a sugar confectionery with a duty rate of 5.6 percent *ad valorem*. WLC claims that the imported merchandise is a sugar-free product that should be classified under HTSUS subheading 3306.90.00, which provides for preparations for oral or dental hygiene that are free of duty. Customs counterclaims that if the Court finds, as a matter of fact, that the merchandise at issue is sugar-free, then proper classification of the merchandise is under HTSUS subheading 2106.90.99, which provides for food preparations not elsewhere specified or included, dutiable at the rate of 6.4 percent *ad valorem*.

Held: Pursuant to the findings of facts and conclusions of law, judgment is entered in favor of Customs on its counterclaim ordering classification of the subject merchandise under HTSUS subheading 2106.90.99 and reliquidation of the subject entries accordingly.

[Judgment is entered in favor of Customs on its counterclaim.]

June 1, 2004

Rode & Qualey (Patrick D. Gill) for Warner-Lambert Company, plaintiff.

Peter D. Keisler, Assistant Attorney General; *Barbara S. Williams*, Attorney-in-Charge, International Trade Field Office, Civil Division, Commercial Litigation Branch, United States Department of Justice (*Bruce N. Stratvert*); of counsel: *Chi S. Choy*, Office of the Assistant Chief Counsel for International Trade Litigation, Bureau of Customs and Border Protection of the Department of Homeland Security, for the United States, defendant.

OPINION

TSOUCALAS, Senior Judge: Plaintiff, Warner-Lambert Company ("WLC"), challenges the classification of its merchandise by the

Bureau of Customs and Border Protection of the Department of Homeland Security ("Customs") under Harmonized Tariff Schedule of the United States ("HTSUS"), subheading 1704.90.35, 19 U.S.C. § 1202 (2000), as a sugar confectionary with a duty rate of 5.6 percent *ad valorem*. WLC claims that the imported merchandise is a sugar-free product that should be classified under HTSUS subheading 3306.90.00, which provides for preparations for oral or dental hygiene that are free of duty. Customs counterclaims that if the Court finds, as a matter of fact, that the merchandise at issue is sugar-free, then proper classification of the merchandise is under HTSUS subheading 2106.90.99, which provides for food preparations not elsewhere specified or included, dutiable at the rate of 6.4 percent *ad valorem*.

DISCUSSION

WLC, a wholly-owned subsidiary of Pfizer, Inc., *see* Disclosure of Corporate Affiliations & Financial Interest, and importer of Certs® Powerful Mints ("subject merchandise"), filed a timely protest pursuant to 19 U.S.C. § 1514 (2000) challenging classification of its merchandise. In its complaint, WLC claims that: (1) the principal active ingredient in the subject merchandise is Retsyn®, a registered trade name of plaintiff; and (2) Retsyn®, along with the other breath freshening ingredients, promotes oral and dental hygiene. *See* Compl. ¶11. A bench trial was held on March 30 and 31, 2004. In accordance with USCIT R. 52(a), the Court enters judgment in favor of defendant pursuant to the following findings of fact and conclusions of law.

I. Findings of Fact

1. The merchandise at issue is Certs® Powerful Mints.
2. The subject merchandise was described on plaintiff's invoices as Powerful Mints Spearmint, Certs® Peppermint Standard, and Certs® Spearmint Standard but all constitute Certs® Powerful Mints.
3. The subject merchandise was classified under HTSUS subheading 1704.90.35 which reads:

1704	Sugar confectionery (including white chocolate), not containing cocoa:
1704.10.00	Chewing gum, whether or not sugarcoated kg 4%
1704.90	Other: Confections or sweetmeats ready for consumption:
1704.90.10	Candied nuts ... kg ... 4.5%

Other:

1704.90.25	Cough drops . . kg . . Free
1704.90.35	Other 5.6%

4. Certs® Powerful Mints do not contain sugar.

Customs counterclaims that if the Court finds that Certs® Powerful Mints do not contain sugar, then proper classification for the subject merchandise is under HTSUS subheading 2106.90.99, which provides for a duty rate of 6.4 percent *ad valorem* for "Food preparations not elsewhere specified or included: Other: Other: Other: Other: Other."

6. The imported product is marketed and advertised and consumers perceive Certs® Powerful Mints as a breath freshening agent which combats oral malodor.

7. Oral malodor or halitosis is commonly referred to as bad breath.

8. The principle active ingredient in Certs® Powerful Mints is Retsyn®, a registered trade name of plaintiff.

9. Retsyn® contains copper gluconate and partially hydrogenated cottonseed oil and flavoring agents in the form of peppermint and/or spearmint.

10. The peppermint or spearmint flavoring agents in the imported product masks oral malodor.

11. In 1982, the United States Food and Drug Administration ("FDA") published a monogram in the Federal Register, see Pl.'s Ex. 2, stating that the dead-space gases of a malodorous mouth consist mainly of minute traces of highly odoriferous volatile sulfur compounds, the most common and abundant of which are hydrogen sulfide and methyl mercaptan.

12. The same monogram explained that oral malodor can be controlled by masking, purging, neutralizing or bacterial inhibition.

13. Copper gluconate in Retsyn® reacts with the volatile sulfur compounds, hydrogen sulfide and methyl mercaptan to produce non-odorous materials in the oral cavity (neutralizing).

14. Micronized fat in the form of partially hydrogenated cottonseed oil absorbs sulfides and methyl mercaptan which are the main contributors to oral malodor.

15. Consumption of Certs® Powerful Mints increases salivation in the oral cavity thereby purging bacteria located in the oral cavity.

16. The subject merchandise contains an amount of copper gluconate and partially hydrogenated cottonseed oil sufficient to neutralize the quantities of volatile sulfur compounds normally present in the mouth.

17. WLC claims that the Certs® Powerful Mints are properly classifiable under HTSUS 3306.90.00 which reads:

- 3306 Preparations for oral or dental hygiene, including denture fixative pastes and powders; yarn used to clean between the teeth (dental floss), in individual retail packages:
- 3306.10.00 Dentifrices . . . X . . . Free
- 3306.20.00 Yarn used to clean between the teeth (dental floss) . kg . Free
- 3306.90.00 Other kg . . . Free

18. Certs® Powerful Mints contain sorbitol, natural flavoring (specifically Retsyn®), maltodextrin, aspartame, magnesium stearate and Blue 1. See Pl.'s Exs. 3, 4 (Interrog. 4).

19. Plaintiff's expert witness testified that the subject merchandise is a non-medicated, cosmetic product, Tr. 86, that has not received the American Dental Association's "Seal of Acceptance." Tr. 107.

20. The trial and pleadings lack any claim that Certs® Powerful Mints are used for therapeutic or prophylactic purposes or that they are designed to treat any specific disease.

21. Plaintiff's expert, Dr. Jack W. Vincent, testified that halitosis is commonly caused by "bacteria metabolizing protein and amino acid and emitting a highly foul smelling compound such as hydrogen sulfide, methyl mercaptan and dimethyl sulfide, among others. There is also an extrinsic source of oral malodor that most generally comes from foods that are eaten; commonly onions, garlic, . . . can leave an odor on the breath." Tr. 19.

22. Dr. Vincent also testified that the "most effective way to control malodor is through very effective oral hygiene procedures [such as] brushing thoroughly with a dentifrice, using dental floss or another device to clean in between the teeth and also some mechanism of controlling the growth of bacteria on the tongue, most commonly done by tongue scraping. These are activities that are ordinarily done in the home because it requires facilities in which to do it. There are other methods that are used that are somewhat more portable in nature that can be used during the day. Mouth rinsing is a bit more portable, but still it [is] rather cumbersome. . . . [T]here are [also] portable fresheners such as Certs products that can be used on demand, very discretely and provide the breath freshening capability for an individual at any time." Tr. 20-21.

23. Defendant's expert, Dr. Andrew Spielman, testified that "Certs . . . based on [the] evaluation of the scientific evidence [] do not promote oral hygiene . . . [b]ecause they do not provide mechanical removal of bacteria. They provide masking effect. They may provide some inhibition, but not to the extent that [other] oral hygiene products [provide]." Tr. 189-191.

24. Dr. Spielman also testified that "an oral perfume that contained anti-bacterial agent[s], would [] fit within the category of a preparation for oral or dental hygiene." Tr. 191.

II. Conclusions of Law

The Court has jurisdiction over this dispute pursuant to 28 U.S.C. § 1581(a) (2000). Determining whether imported merchandise was classified under the appropriate tariff provision entails a two-step process. See *Sabritas, S.A. de C.V. v. United States*, 22 CIT 59, 61, 998 F. Supp. 1123, 1126 (1998). First, the proper meaning of specific terms in the tariff provision must be ascertained. Second, whether the imported merchandise falls within the scope of such term, as properly construed, must be determined. See *Sports Graphics, Inc. v. United States*, 24 F.3d 1390, 1391 (Fed. Cir. 1994). The first step is a question of law and the second is a question of fact. See *id.*; see also *Universal Elecs., Inc. v. United States*, 112 F.3d 488, 491 (Fed. Cir. 1997). Pursuant to 28 U.S.C. § 2639(a)(1) (2000), Customs' classification is presumed correct and the party challenging the classification bears the burden of proving otherwise. See *Universal Elecs.*, 112 F.3d at 491. This presumption, however, applies only to Customs' factual findings, such as whether the subject merchandise falls within the scope of the tariff provision, and not to questions of law, such as Customs' interpretation of a particular tariff provision. See *Sabritas*, 22 CIT at 61, 998 F. Supp. at 1126; see also *Universal Elecs.*, 112 F.3d at 491; *Goodman Mfg., L.P. v. United States*, 69 F.3d 505, 508 (Fed. Cir. 1995). To determine whether the party challenging Customs' classification has overcome Page 9 Court No. 02-00254 the statutory presumption of correctness, this Court must consider whether "the government's classification is correct, both independently and in comparison with the importer's alternative." *Jarvis Clark Co., v. United States*, 733 F.2d 873, 878 (Fed. Cir. 1984).

A. Classification Under Heading 1704

As a preliminary matter, this Court finds that classification of Certs® Powerful Mints under HTSUS subheading 1704.90.35 is improper because the subject merchandise does not contain sugar. Therefore, the issue remains whether classification of Certs® Powerful Mints under Heading 3306 covering preparations for oral hygiene is proper.

B. Classification Under Heading 3306

The meaning of a tariff term is a question of law to be decided by the court. See *Hasbro Indus., Inc. v. United States*, 879 F.2d. 838, 840 (Fed. Cir. 1989). When a tariff term is not clearly defined in either the HTSUS or its legislative history, the correct meaning of the term is generally resolved by ascertaining its common and commercial meaning. See *W.Y. Moberly, Inc. v. United States*, 924 F.2d 232,

235 (Fed. Cir. 1991). In order to determine the common meaning of a tariff term, the court may rely on its own understanding of the term, as well as consult dictionaries, lexicons and scientific authorities. *See Brookside Veneers, Ltd. v. United States*, 847 F.2d 786, 789 (Fed. Cir. 1988), *cert. denied*, 488 U.S. 943 (1988).

HTSUS heading 3306 provides for preparations for oral or dental hygiene.¹ The definition of the phrase "preparations for oral hygiene" is not, *per se*, set forth in any standard or technical lexicon. However, the term "preparation" is defined as "1. the act or process of making ready[;] 2. a medicine made ready for use[; and] 3. an anatomic or pathologic specimen made ready and preserved for study." *Dorland's Illustrated Medical Dictionary* 1351 (27th ed. 1988); *see Stedman's Medical Dictionary* 1215 (12th ed. 1961); *The Macmillan Medical Dictionary* 348 (2d ed. 1953). Plaintiff and defendant's experts agree that the term "oral" pertains to the mouth and "hygiene" relates to the preservation of health. Tr. 104, 110, 190-191; *see Webster's II New Riverside University Dictionary* 826 (1988). "Preparations for oral hygiene," therefore, are medicines made ready for the practice of preserving the health of the mouth or oral cavity. In order for the subject merchandise to fit within this description, it must satisfy the terms of the heading. *See Sabritas*, 22 CIT at 62, 998 F. Supp. at 1126-27.

Trial testimony confirmed that Certs® Powerful Mints are marketed, advertised and primarily purchased by consumers as breath mints. Plaintiff's expert testified that the Retsyn®, contained in the subject merchandise, combats bad breath since copper gluconate, cottonseed oil and natural flavoring neutralize and mask bacteria in the mouth which commonly cause bad breath. Tr. 19-22. Moreover, consumption of the product results in an increase in salivation which causes a physical rinse-out or dislodgement (purging) of accumulated volatile sulfur compounds or a reduction of the number of bacteria in the mouth (specifically, a result of swallowing). Tr. 32-33. These three measures, however, are not specifically referred to in the FDA's monogram as "hygienic measures." Only antimicrobial measures, such as using a germ killing mouthwash "intended to treat or prevent disease," aide in the preservation of oral health, which is the thrust of the FDA's monogram. *See* Pl.'s Ex. 2, (47 Fed. Reg. at 22,844). Although the monogram recognizes that certain cosmetic products can combat oral malodor, use of such products must reach an antimicrobial result to be considered a preparation for oral or dental hygiene. *See id.* (stating that "articles that are cosmetic, but which are also intended to treat or prevent disease" can be consid-

¹The evidence presented in plaintiff's case does not address the issue of whether Certs® Powerful Mints combat a condition pertaining to dental hygiene. Rather, plaintiff's case is limited to the claim that the subject product combats oral malodor, which WLC claims to be a condition of oral hygiene.

ered drugs and that "[b]ecause oral malodor is caused mainly by gram-negative anaerobes, *only antimicrobial ingredients known to be effective against the causative organism are effective in suppressing the malodor*") (emphasis added).

Neither testimony nor evidence presented establishes that Certs® Powerful Mints effect the health of the oral cavity. Accordingly, the subject product can not be considered a preparation for oral hygiene. WLC asks this Court to find that the Explanatory Notes to Heading 3306 cover, among other preparations, mouthwashes and oral perfumes, "thus, embracing the imported product which acts as an oral perfume." WLC's Proposed Findings of Fact & Conclusions of Law at 7 ¶13. Pursuant to Rule 1 of the General Rules of Interpretation ("GRI 1"), however, the definition and scope of terms of a particular provision is to be determined by the wording of the statute and any relevant section or chapter notes. See *Sabritas*, 22 CIT at 62, 998 F. Supp. at 1126-27. The Explanatory Notes are not legally binding, although they generally indicate the proper interpretation of the HTSUS. See *Lynteq, Inc. v. United States*, 976 F.2d 693, 699 (Fed. Cir. 1992) (quotation omitted). The Court recognizes that the Explanatory Notes to Heading 3306 include oral perfumes in the list covering preparations for oral hygiene. However, the Explanatory Notes do not specifically include or exclude the subject merchandise from Heading 3306. See *Bausch & Lomb, Inc. v. United States*, 21 CIT 166, 174-75, 957 F. Supp. 281, 288 (1997), *aff'd*, 148 F.3d at 1363. The trial testimony revealed that many products, including an Page 13 Court No. 02-00254 ordinary candy mint (not containing Retsyn®), mask odor.² Tr. 69-71. Following the logic presented by plaintiff would lead to an absurd finding that the subject merchandise preserves the health of the oral cavity simply because it perfumes the mouth. Such a finding would be anomalous to the FDA's conclusion that to be considered a preparation for oral hygiene, a product must treat or prevent disease. See Pl.'s Ex. 2; see also Findings of Fact ¶¶19, 20 (stating that Retsyn® (Certs) does not treat disease, rather it is a cosmetic product).

C. Classification Under Heading 2106

Customs' classification rulings are entitled to "a respect proportional to [their] 'power to persuade.'" *United States v. Mead*, 533 U.S. 218, 235 (quoting *Skidmore v. Swift & Co.*, 323 U.S. 134, 140 (1944)). Customs' rationale for classification of the subject merchandise under HTSUS Heading 2106 is set forth in Headquarters Rul-

²The evidence presented by plaintiff regarding the effectiveness of Retsyn® in chemically neutralizing volatile sulfur compounds is irrelevant. Plaintiff's expert testified that Certs® Powerful Mints are cosmetic products and that the Retsyn® they contain do not inhibit or kill bacteria.

ing Letter ("HQL") 963764, dated January 11, 2002. Customs explains:

To be classified in heading 3306, HTSUS, the product must be described by the terms of the heading. The [Explanatory Notes] to heading 3306 identify certain types of articles which are covered by that heading. These are: dentifrices, tooth-pastes, denture cleaners, mouth washes and oral perfumes, denture fixative pastes, powders and tablets, and yarn used to clean between the teeth (dental floss). Breath mints are not included among this listing. They also do not appear among the many articles used in the care of teeth and mouth enumerated in *The Handbook of Nonprescription Drugs*.

[Customs] do[es] not dispute the claim that the Certs® products may help reduce or control bad breath. However, they are packaged, labeled and marketed as mints. Mints do not appear anywhere among the examples of oral health products listed by the [Explanatory Notes].

....

The Certs® Powerful Mints contain only synthetic sweetening agents and cannot be classified in Chapter 17, because they contain no medicinal substances, and no claim has been made that they are intended to be used for therapeutic or prophylactic purposes, or that they are designed to treat a [] specific disease or condition, they are precluded from consideration as medicaments of Chapter 30.

....

The [Explanatory Notes] to heading 21.06 state that the heading includes, *inter alia*, "[e]dible tablets with a basis of natural or artificial perfumes (e.g., vanillin), . . . [s]weets, gums and the like (for diabetics, in particular) containing synthetic sweetening agents (e.g., sorbitol) instead of sugar." These exemplars describe articles akin to Certs® Powerful Mints.

HQL 963764 at 5-7 (Jan. 11, 2002). This explanation is thorough in its consideration and contains valid reasoning and, therefore, is entitled to *Skidmore* deference. See *Mead*, 533 U.S. at 218; see also *Jewelpak Corp. v. United States*, 297 F.3d 1326, 1331 (Fed. Cir. 2002); *Heartland By-Products, Inc. v. United States*, 264 F.3d 1126, 1133 (Fed. Cir. 2001). Accordingly, Customs' classification Page 15 Court No. 02-00254 of Certs® Powerful Mints in HQL 963764 under Heading 2106 is proper and, therefore, affirmed.

Conclusion

Customs improperly classified the subject merchandise under

HTSUS subheading 1704.90.35 as a sugar confectionery with a duty rate of 5.6 percent *ad valorem*. The Court finds, however, that the subject merchandise is properly classified under HTSUS subheading 2106.90.99, as a food preparation not elsewhere specified or included, dutiable at the rate of 6.4 percent *ad valorem*. Accordingly, judgment will be entered in favor of Customs on its counterclaim. Customs shall classify the imported merchandise under HTSUS subheading 2106.90.99 and reliquidate the subject merchandise accordingly.

Slip Op. 04-57

TIMBER PRODUCTS CO., Plaintiff, v. UNITED STATES, Defendant.

Before: Pogue, Judge
Court No. 01-00216

[Plaintiff's motion for summary judgment denied; judgment entered for Defendant.]

Decided: June 2, 2004

Sandler, Travis & Rosenberg, P.A. (Beth C. Ring) for Plaintiff.

Peter D. Keisler, Assistant Attorney General, *Barbara S. Williams*, Acting Attorney in Charge, *Mikki Graves Walser*, Attorney, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, *Michael W. Heydrich*, Attorney, Of Counsel, Office of the Assistant Chief Counsel, U.S. Bureau of Customs and Border Protection, for Defendant.

OPINION

Pogue, Judge: This action is now before the Court on crossmotions for summary judgment. Plaintiff Timber Products Co. ("Plaintiff") challenges the classification by the U.S. Bureau of Customs and Border Protection ("Customs")¹ of certain entries of plywood from Brazil under subheading 4412.14.30 of the Harmonized Tariff Schedule of the United States ("HTSUS"), 19 U.S.C. § 1202 (1994),²

¹Effective March 1, 2003, the United States Customs Service was renamed the United States Bureau of Customs and Border Protection. See Homeland Security Act of 2002, Pub. L. No. 107-296 § 1502, 2002 U.S.C.C.A.N. (116 Stat.) 2135, 2308; Reorganization Plan Modification for the Department of Homeland Security, H.R. Doc. No. 108-32, at 4 (2003).

²Subheading 4412.14.30, HTSUS, reads:

4412 Plywood, veneered panels and similar laminated wood (con):
 Plywood consisting solely of sheets of wood, each ply not exceeding 6
 mm in thickness (con):
4412.14 Other, with at least one outer ply of nonconiferous wood:

a basket provision for plywood with at least one outer ply of nonconiferous wood. Subheading 4412.14.30, HTSUS (1997).³ Plaintiff contends that the entries should be classified under subheading 4412.13.40, HTSUS,⁴ which explicitly provides, among other things, for plywood with at least one outer ply of "virola." *Id.* Although Plaintiff admits that it cannot show that the entries consisted of plywood with at least one outer ply of wood from a tree of the "virola" genus,⁵ it claims a commercial designation for the term "virola" which includes the merchandise at issue. Plaintiff, however, has failed to produce sufficient evidence to support either its asserted commercial designation or the applicability of the asserted commercial designation to its merchandise under USCIT R. 56; therefore, Plaintiff's motion for summary judgment is denied, and judgment is entered for Defendant.

BACKGROUND

Plaintiff imported the subject entries of plywood⁶ from Brazil be-

4412.14.30 Other.

Subheading 4412.14.30, HTSUS (1997).

³The complaint alleges, and the answer admits, that the subject entries of merchandise were imported in 1996 and 1997. *See* Compl. of Timber para. 1; Answer of Customs para. 1. The Court uses the 1997 version of the HTSUS for the sake of convenience; while it differs slightly from the 1996 version, it does not differ in any way which makes for a difference in this case. *Cf.* heading 4412.13.30, HTSUS (1996), with heading 4412.13.40, HTSUS (1997).

⁴Subheading 4412.13.40, HTSUS reads:

4412 Plywood, veneered panels and similar laminated wood:
Plywood consisting solely of sheets of wood, each ply not exceeding 6 mm in thickness:
4412.14 Other, with at least one outer ply of nonconiferous wood:
Not surface covered, or surface covered with a clear or transparent material which does not obscure the grain, texture or markings of the face ply:

4412.13.40 Other:
With at least one outer ply of the following tropical woods: Dark Red Meranti, Light Red Meranti, White Lauan, Sipo, Limba, Okoumé, Obeche, Acajou d'Afrique, Sapelli, Virola, Mahogany, Palissandre de Para, Palissandre de Rio or Palissandre de Rose.

Subheading 4412.14.30, HTSUS.

⁵A "genus" is "[a] classificatory group comprehending a number of species (sometimes a single species) possessing certain common structural characteristics distinct from those of any other group." VI *The Oxford English Dictionary* 456 (2d ed. 1989).

⁶Plywood, for purposes of heading 4412, consists of three or more sheets of wood which are glued and pressed together. Harmonized Commodity Description and Coding System, Explanatory Note 44.12 (2d ed. 1996) at 681. Each sheet is known as a "ply." *Id.* At least with regards to Brazil, plywood is manufactured by mills which shave logs into sheets or veneers. *See* Pl.'s Mem. Supp. Mot. Summ. J. at 6-7 ("Pl.'s Br."). The mills attempt to match veneers by color, but the species of woods involved in making the plywood are considered irrelevant. *Id.* Thus, one piece of plywood may consist of various types of wood, and indeed, a single ply may consist of more than one type of wood. *Id.*; *see also infra* pp. 18-20.

tween 1996 and 1997. See Pl.'s Br. at 1. On its shipping and entry documents, it listed the merchandise as "Sumauma (C. Petanda) Plywood," "Faveira (Parkia spp.) Plywood," "Amesclao (T. Burseaeifolia) Plywood," "Brazilian White Virola Rotary Cut Plywood,"⁷ "White Virola Plywood," "White Virola (Virola spp.) Plywood," and "Edaiply Faveira (Parkia spp.)." *Id.* at 4-5.⁸ Because these woods are not separately listed in the HTSUS, Customs classified the entries under subheading 4412.14.30, HTSUS, as plywood with at least one outer face of nonconiferous wood. See Complaint of Timber para. 6, Answer of Customs para. 6; cf. subheading 4412.14.30, HTSUS, with subheading 4412.13.40, HTSUS. Plaintiff contends, however, that "sumauma," the two species of "faveira," and "amesclao,"⁹ along with other woods, are known by a definite, general, and uniform commercial designation in the U.S. wholesale trade as "virola," and therefore ought to be classified as plywood with at least one outer ply of "virola."¹⁰

⁷ Plaintiff contends that "white virola" does not refer to any particular species of tree, but only to lighter colored wood of any of the species which it argues are commercially known as "virola." Pl.'s Stmt. Mat. Facts para. 10. Defendant agrees that the term denotes "lighter shades of wood," although not "regardless of the species." Def.'s Resp. to Pl.'s Stmt. Mat. Facts para. 10.

⁸ The words in parentheses designate the scientific names of the species of tree which Plaintiff claims forms the outer ply of the imported plywood. Scientific names are based on taxonomy, the hierarchy of biological classification comprised of kingdom, phylum, class, order, family, genus, and species. See McGraw-Hill *Concise Encyclopedia of Science and Technology* 1847-48 (2d ed. 1989). Commonly, species are referred to by a scientific name which includes two parts: the first initial or word designates the genus, the second word or abbreviation designates the species. "Spp." stands for *species plurales*, indicating that all species of the given genus are referred to.

Rather than giving the full scientific names, Plaintiff refers to "Sumauma (C. Petanda)," "Faveira (Parkia spp.)," "Amesclao (T. Burseaeifolia)," and "Edaiply Faveira (Parkia spp.," throughout its submissions as "sumauma," "faveira," and "amesclao." See, e.g., Pl.'s Br. at 1 n.1, 5, 21. The Court adopts this method of reference, for purposes of brevity only.

⁹ It appears that the names "sumauma," "faveira," and "amesclao," were provided on the entry papers for the plywood at issue only for regulatory purposes, and not as a reflection of the true nature of the imported wood. See Pl.'s Br. at 5, 8. Rather, Plaintiff appears to admit that there is no way of knowing whether the plywood at issue had one outer ply of any of these woods. Because of the manner in which the plywood is created, it is highly improbable that one sheet would be made of a single species. See *id.* at 7. Any given shipment will contain numerous wood types. See *id.* at 7-8.

¹⁰ In *Russell Stadelman & Co. v. United States*, the Court dealt with a challenge to the classification of similar merchandise under a previous, differently-worded version of the HTSUS. See *Russell Stadelman & Co. v. United States*, 23 CIT 1036, 83 F. Supp. 2d 1356 (1999). Rather than the term "virola," that version of the HTSUS employed the term "baboen." See 23 CIT at 1046 n.11, 83 F. Supp. 2d at 1364 n.11. In *Russell Stadelman & Co.*, plaintiff claimed that plywood invoiced as having at least one outer ply of "sumauma," "faveira," or "mangue" should be classified as plywood with at least one outer ply of "baboen." See 23 CIT at 1037, 83 F. Supp. 2d at 1357. The Court found that only certain woods of the genus "virola" were classifiable as "baboen," and thus that the subject merchandise was not embraced by the provision asserted by plaintiff. See 23 CIT at 1037, 1046 n.11, 83 F. Supp. 2d at 1357, 1364 n.11. The Court moreover found that plaintiff failed to prove a commercial designation for "baboen," as the proof it adduced related to identifying

STANDARD OF REVIEW

Under USCIT Rule 56, summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." USCIT R. 56(c); *see also Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). In determining whether a genuine issue of fact exists, the Court reviews the evidence submitted drawing all inferences against the moving party. *See United States v. Pan Pac. Textile Group Inc.*, 27 CIT ___, ___, 276 F. Supp. 2d 1316, 1319 (2003) (internal citation omitted); *see also Matsushita Elecs. Indus. Co v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (internal citations omitted).

In a classification case, on factual issues, Custom's decision enjoys a presumption of correctness. *See Universal Elecs. Co. v. United States*, 112 F.3d 488, 493 (Fed. Cir. 1997). To overcome this presumption, a plaintiff must provide evidence that a reasonable mind could find sufficient to establish that Customs' decision is incorrect, *see id.* at 492, i.e., to avoid summary judgment against it, such a party must proffer evidence sufficient to enable a reasonable mind, drawing all inferences in that party's favor, to conclude that a substantial issue of material fact exists requiring trial. *See, e.g., Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986) (stating that summary judgment will not lie where a dispute about a material fact is genuine, such that a reasonable trier of fact could return a verdict for nonmoving party).¹¹ This obligation exists with respect to each element which is essential to a party's case. As is specifically relevant here, summary judgment must be entered against a party who fails to adduce the minimally necessary evidence on an element which is essential to its case, and upon which it would have the burden of proof at trial. *See Celotex Corp. v. Catrett*, 477 U.S. at 322-23.

In the absence of genuine factual issues, the "propriety of the summary judgment turns on the proper construction of the HTSUS, which is a question of law." *Toy Biz, Inc. v. United States*, 27 CIT ___, ___, 248 F. Supp. 2d 1234, 1241 (2003) (quoting *Clarendon Mktg., Inc. v. United States*, 144 F.3d 1464, 1466 (Fed. Cir. 1998);

the merchandise as "virola," rather than as "baboen," which was the term actually used by the statute. *See* 23 CIT at 1044-45, 83 F. Supp. 2d at 1363.

The instant case differs from *Russell Stadelman & Co.* in that Congress has changed the wording of the tariff schedule to provide for plywood with at least one outer ply of "virola," rather than one outer ply of "baboen." However, the majority of the deposition and affidavit testimony that plaintiff provides as proof of its asserted commercial designation for the term "virola" in this case was first provided to the Court in *Russell Stadelman & Co.* *See* Pl.'s Br. at 3.

¹¹ Similarly, a party facing a properly supported motion for summary judgment may not rest on mere allegations that a genuine issue of material fact exists. *See* USCIT R. 56(e), *United States v. JICK (USA) Indus. Corp.*, 22 CIT 980, 981, 27 F. Supp. 2d 199, 200 (1998).

Nat'l Advanced Sys. v. United States, 26 F.3d 1107, 1109 (Fed. Cir. 1994)).

DISCUSSION

This case primarily turns on Plaintiff's attempt to prove a commercial designation for the term "virola." The term "virola" is not statutorily defined. The term appears in several provisions of the tariff schedule within Chapter 44, which deals with wood products generally.¹² Chapter 44, HTSUS. Some of these provisions specifically reference "virola," others only reference "tropical wood," but it is understood that "virola" falls within this category.¹³ Within the text of the HTSUS itself, there is no definition of "virola."

Where a tariff term is not statutorily defined, it is assumed to carry its common meaning. *Mita Copystar America v. United States*, 21 F.3d 1079, 1082 (Fed. Cir. 1994) ("When a tariff term is not defined in either the HTSUS or its legislative history, the term's correct meaning is its common meaning.") (citing *Lynteq, Inc. v. United States*, 976 F.2d 693, 697 (Fed. Cir. 1992); *Winter-Wolff, Inc. v. United States*, 22 CIT 70, 74, 996 F. Supp. 1258, 1261 (1998) (citations omitted)).

The Court generally looks to standard lexicographic sources to de-

¹²In addition to subheading 4412.13.40, which covers plywood not exceeding 6 mm in thickness, with at least one outer ply of "virola," "virola" is referenced either by name or by way of subheading note 1 to Chapter 44 (*infra* note 13) in subheading 4403.49.00 (covering "[w]ood in the rough, whether or not stripped of bark or sapwood, or roughly squared . . . Other, of tropical wood specified in subheading note 1 to this chapter . . . Other"), subheading 4407.24.00 (covering "[w]ood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm . . . Of tropical wood specified in subheading note 1 to this chapter: Virola"), and subheading 4408.39.00 (covering "[v]eneer sheets and sheets for plywood (whether or not spliced) and other wood sawn lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness not exceeding 6 mm . . . Of tropical wood specified in subheading note 1 to this chapter . . . Other"). See subheadings 4403.49.00, 4407.24.00, and 4408.39.00, HTSUS.

¹³Subheading note 1 to Chapter 44 reads as follows:

1. For the purposes of subheadings 4403.41 to 4403.49, 4407.24 to 4407.29, 4408.31 to 4408.39 and 4412.13 to 4412.99, the expression "tropical wood" means one of the following types of wood:

Abura, Acajou d'Afrique, Afrormosia, Ako, Alan, Andiroba, Aningré, Avodiré, Azobé, Balau, Balsa, Bossé clair, Bossé foncé, Cativo, Cedro, Dabema, Dark Red Meranti, Dibétou, Doussié, Framiré, Freijo, Fromager, Fuma, Geronggang, Ilomba, Imbuia, Ipé, Iroko, Jaboty, Jelutong, Jequitiba, Jongkong, Kapur, Kempas, Keruing, Kosipo, Kotibé, Koto, Light Red Meranti, Limba, Louro, Maçaranduba, Mahogany, Makoré, Mansonia, Mengkulang, Meranti Bakau, Merawan, Merbau, Merpuah, Mersawa, Moabi, Niangon, Nyatoh, Obeche, Okoumé, Onzabili, Orey, Ovengkol, Ozigo, Padauk, Paldao, Palissandre de Guatemala, Palissandre de Para, Palissandre de Rio, Palissandre de Rose, Pau Marfim, Pulai, Punah, Ramin, Sapelli, Saqui-Saqui, Sepetir, Sipo, Sucupira, Suren, Teak, Tiama, Tola, Virola, White Lauan, White Meranti, White Seraya, Yellow Meranti.

Subheading note 1, Chapter 44, HTSUS.

termine the common meaning of a tariff term. See *Brookside Veneers, Ltd. v. United States*, 847 F.2d 786, 789 (Fed. Cir. 1988) (internal citations omitted). Also helpful are the Explanatory Notes to the HTSUS, which, although not binding, provide guidance in interpreting the HTSUS. See *Carl Zeiss, Inc. v. United States*, 195 F.3d 1375, 1378 n.1 (Fed. Cir. 1999) (citation omitted); see also *Russell Stadelman & Co. v. United States*, 23 CIT 1036, 1039-40, 83 F. Supp. 2d 1356, 1359 (1999) (internal citations omitted).

The Court has located two lexicographic sources that define "virola." A *Dictionary of Plant Sciences* defines "virola" as "[a] genus of plants some of which are big trees and an important source of timber." A *Dictionary of Plant Sciences* at 471 (2d ed. 1998). Webster's *Third New International Dictionary* defines "virola" as "a genus of chiefly So. American forest trees (family Myristicaceae) which yield pale to reddish brown wood." Webster's *Third New International Dictionary* at 2556 (1993). These definitions appear to limit the term to trees of the genus "virola."

An annex to the Explanatory Notes for Chapter 44 contains a chart which compares the woods listed in subheading note 1 of Chapter 44 against the scientific names of the trees which are denoted by that name, as well as common names for the trees over a variety of countries. Harmonized Commodity Description and Coding System, Annex: Appellation of Certain Tropical Woods (2d ed. 1996) at 690.¹⁴ This chart indicates that the scientific names corresponding to the term "virola" are "virola spp." Harmonized Commodity Description and Coding System, Annex: Appellation of Certain Tropical Woods (2d ed. 1996) at 713. The word "virola" in the phrase "virola spp." refers to the genus of the covered trees; the word "spp." is an abbreviation of "*species plurales*." *Russell Stadelman & Co. v. United States*, 23 CIT at 1037 n.1, 83 F. Supp. 2d at 1357 n.1. Thus, all species of the genus "virola" are covered under the pilot-name "virola" as used in the Explanatory Notes. The common meaning of the term "virola" would then appear to encompass any wood of a tree of the genus "virola," but not the wood of trees of other genera.¹⁵

¹⁴The names which appear in subheading note 1 to Chapter 44, and which appear in the first column of the chart in the annex to the Explanatory notes:

are designated according to the pilot-names recommended by the International Technical Association for Tropical Timber (l'Association technique internationale des bois tropicaux) (ATIBT). The pilot-name is based on the popular name employed in the principal country of production or of consumption.

The relevant pilot-names, together with corresponding scientific and local names, are listed in the Annex to the Explanatory Notes to this Chapter.

Harmonized Commodity Description and Coding System, Subheading Explanatory Note, Chapter 44 (2d ed. 1996) at 671.

¹⁵Neither "sumauma," "faveira," nor "amesclao" are trees of the "virola" genus. Plaintiff invoiced its entries as "Sumauma (C. Petanda) Plywood," "Faveira (Parkia spp.) Plywood," "Amesclao (T. Burseaefolia) Plywood," and "Edaiply Faveira (Parkia spp.)." See Pl.'s Br.

The law would have the Court assume that the common meaning and the commercial meaning of the tariff term at issue are identical. *Winter-Wolff, Inc. v. United States*, 22 CIT at 74, 996 F. Supp. at 1261 (internal citations omitted). Plaintiff, however, contends that they are not, and that there is an established commercial meaning within the trade for "virola" which is considerably more expansive than the "common" meaning, and which describes the merchandise at issue. Where it is argued that the common and commercial meanings differ, the commercial meaning will not prevail unless a party can demonstrate that the commercial meaning is "definite, uniform, and general" throughout the trade. *Rohm & Haas Co. v. United States*, 727 F.2d 1095, 1097 (Fed. Cir. 1984) (quoting *Moscablades Bros. v. United States, Inc.*, 42 C.C.P.A. 78, 82 (1954)).¹⁶

Accordingly, to establish that its proposed commercial designation of "virola" displaces the common meaning of that tariff term, Plaintiff must prove that the term "virola" has a commercial meaning in the trade "which is general (extending over the entire country), definite (certain of understanding) and uniform (the same everywhere in the country)," and that this commercial meaning encompasses Plaintiff's merchandise. *Rohm & Haas Co. v. United States*, 5 CIT 218, 226, 568 F. Supp. 751, 757 (1983) (citing *S.G.B. Steel Scaffolding &*

at 4-5. Plaintiff has identified its "faveira" as being wood of the genus "parkia," rather than the genus "virola." "Sumauma" and "amasclao," as entered by Plaintiff, are likewise not of the genus "virola." The "C." in "C. Petanda" would apparently stand for the genus "ceiba." See *Russell Stadelman & Co. v. United States*, 23 CIT at 1036 n.1, 83 F. Supp. 2d at 1357 n.1; Harmonized Commodity Description and Coding System, Annex: Appellation of Certain Tropical Woods (2d ed. 1996) at 700. The "T." in "T. Burseaeifolia" would appear to stand for the genus "trattinickia." See Universidad de Cordoba, Principales especies maderables comercializadas, at <http://www.uco.es/organiza/servicios/jardin/cd1/Maderas%20CITES/anexoII.htm> (last visited May 24, 2004) (listing "trattinickia spp." and "tetrageastris spp." as the scientific names corresponding to the commercial name "amesclao"); Manejoflorestal.org, Lista de espécies madeiras, at <http://www.manejoflorestal.org/guia.cfm?cap=12> (last visited May 24, 2004) (listing "breu" and "amescla" as common names of "Trattinickia burseaeifolia Mart") (the Court reads that Plaintiff's use of "burseaeifolia" is most likely a misspelling of "burseaeifolia"). Plaintiff also invoiced some entries as "Brazilian White Virola Rotary Cut Plywood," "White Virola Plywood," and "White Virola (Virola spp.) Plywood," but in stating that the genres on the entry papers were listed only for regulatory purposes, appears to admit that the wood represented in these entries may not be of the genus "virola." See Pl.'s Br. at 4-5; see *supra* notes 7, 9.

¹⁶The term "virola" was placed into the HTSUS by presidential proclamation, rather than by act of Congress. See Proclamation No. 6857, 60 Fed. Reg. 64,817, 64,887, 64,889 (Dec. 15, 1995), Proclamation No. 6948, 61 Fed. Reg. 56,385, 56,393 (Oct. 31, 1996). The first proclamation, among other things, struck "baboon" from the list of woods in subheading note 1 to chapter 44, and replaced it with "virola." See Proclamation No. 6857, 60 Fed. Reg. at 64,889 (Dec. 15, 1995). The second proclamation amended subheading 4412.13 to provide specifically for plywood "with at least one outer ply of . . . virola," rather than the more general previous reference to plywood "with at least one outer ply of tropical wood specified in subheading note 1 to this chapter." See Proclamation No. 6948, 61 Fed. Reg. at 56,393 (Oct. 31, 1996); cf. subheading 4412.13, HTSUS (1996), with subheading 4412.13.40, HTSUS (1997). Nonetheless, the logic and substance of the requirements articulated in *Rohm & Haas Co.* still hold.

Shoring Co. v. United States, 82 Cust. Ct. 197, 206, C.D. 4802 (1979) (internal citations omitted)). Each of these constitutes an essential element of Plaintiff's claim.

Plaintiff, however, has failed to produce evidence which a reasonable mind, even drawing all inferences in Plaintiff's favor, could find sufficient to fulfill the *Rohm & Haas Co.* test. Plaintiff has failed to make a sufficient initial showing of a commercial meaning that is definite, general, and uniform; in addition, Plaintiff has failed to show that even if its purported commercial meaning were accepted, the merchandise in issue would be described by it. In evaluating the evidence Plaintiff has put forth, the Court first discusses the requirements of generality, uniformity, and definiteness, and then discusses the suitability of Plaintiff's purported commercial meaning to the merchandise at issue.

Plaintiff has produced affidavits and deposition evidence from persons who identify themselves as wholesalers of plywood, and who testify as to a general use for the term "virola" among such wholesalers. However, if an article or good is only known by a certain name "in one trade or branch of trade," no commercial designation can follow. *Maddock v. Magone*, 152 U.S. 368, 372 (1894). In this case, it is not the meaning of "plywood" that is being construed; it is the meaning of "virola." "Virola," whatever it may be, is imported by trades other than the plywood trade, as evidenced by the term's several appearances throughout Chapter 44 of the HTSUS. More specifically, the HTSUS contemplates the importation of "virola" by those who import wood in the rough, wood sawn or chipped lengthwise, as well as veneer sheets and sheets for plywood (whether or not spliced) and other wood sawn lengthwise. See *supra* note 12.

Even if Plaintiff's purported commercial designation for the term "virola" were to be found consistent within the plywood trade, without evidence as to the term's usage in the other trades importing "virola," the Court cannot find that Plaintiff has made a sufficient initial demonstration of a general meaning for the term. Where a single term is used multiple times over the course of a statute, the courts presume that the meaning of the term remains consistent. See, e.g., *RHP Bearings Ltd. v. United States*, 288 F.3d 1334, 1346-47 (Fed. Cir. 2002); *SKF USA Inc. v. United States*, 263 F.3d 1369, 1382 (Fed. Cir. 2001).¹⁷ There is no sign or indication that

¹⁷ Both *RHP Bearings Ltd.* and *SKF USA Inc.* involved a term in the dumping statutes which, in addition to being used multiple times, was also statutorily defined. See *RHP Bearings Ltd. v. United States*, 288 F.3d at 1346-47; *SKF USA Inc. v. United States*, 263 F.3d at 1382. Although "virola" is not defined in the text of the HTSUS, the Court cannot see why the lack of a statutory definition should permit the definition of "virola" to change from provision to provision, especially in light of a definition in the Explanatory Notes. Moreover, even were there no definition occurring in the Explanatory Notes, it is inappropriate for the Court to allow the word "virola" to take on different meanings with each provision in the absence of any indication that this was intended by Congress.

Congress intended for more than one meaning of "virola" to be applied in construing the terms of the HTSUS. Therefore, to show a "general" commercial meaning for the term "virola," it is necessary for Plaintiff to place before the Court evidence with regard to the term's use generally. This it has failed to do.

Plaintiff argues that it is not required to put forth evidence with regard to any merchandise other than that which is at issue here. See Pl.'s Resp. to Def.'s Mot. to Dismiss in Part for Lack of Subject Matter Jurisdiction and Cross-Mot. for Summ. J. at 21 ("Pl.'s Resp."). Although this might be true in another case, the Court cannot agree with the proposition as applied here because of the number of different tariff provisions that use the term "virola." The statutory construction dilemma is unavoidable here.¹⁸

Plaintiff's failure to meet its initial burden of proof with regard to generality also applies to the requirement of uniformity. Because Plaintiff has produced only the testimony of plywood wholesalers, the Court cannot determine whether wholesalers of other trades located in various portions of the country and importing "virola" wood into the United States *uniformly* use the same definition of "virola" asserted by Plaintiff. Without some such proof, a commercial meaning of "virola" that satisfies principles of statutory construction cannot follow.

Plaintiff's threshold showing also fails the requirement of definiteness. To be definite, a purported commercial meaning must be "certain of understanding." *S.G.B. Steel Scaffolding & Shoring Co. v. United States*, 82 Cust. Ct. 197, 206 (1979). Plaintiff's claimed commercial meaning of "virola" encompasses more than wood of the "virola" genus; it would include wood of "near species," which Plaintiff contends include "sumauma," "faveira," and "amesclao." Pl.'s Br.

¹⁸ Moreover, the single case which Plaintiff cites for the proposition that no evidence is necessary with regard to the meaning of "virola" in other trades that import "virola" is inapposite. Plaintiff cites *Am. Net & Twine Co. v. Worthington*, 141 U.S. 468 (1891). See Pl.'s Resp. at 21 n.8. Contrary to Plaintiff's claim, that case does not stand for the proposition that the meaning a term in contention holds in other, similar trades that use the term is irrelevant. Rather, that case is simply one recognizing that an *eo nomine* provision which was specific in its reference to a particular use prevailed over a more general, otherwise applicable provision. See *Am. Net & Twine Co. v. Worthington*, 141 U.S. at 472. The case involved linen thread which was imported into the United States as "gilling twine" for the repair of fishing nets. *Id.* at 471. The Supreme Court found that, although the merchandise was classifiable as linen thread, because it had been imported into the country solely for use in the repair of nets, and because Congress, in providing for "gilling twine," obviously intended the classification of goods used as such, the thread at issue should be classified as "gilling twine," rather than as linen thread, in recognition of its intended use. *Id.* at 474. Moreover, although the language of commercial designation is used in the case, the case is so factually distinct as to have no bearing on the issues before the Court in this action because in that case, there was no question as to what materials Plaintiff's product consisted of; the question focused entirely on the product's use. The instant case focuses on whether or not the material of which Plaintiff's plywood is made is, in fact, "virola"; the question does not rise to one of material fact, however, because of Plaintiff's failure to put forth sufficient evidence to meet its initial burden under USCIT R. 56. See *infra* pp. 18-20.

at 1. All told, Plaintiff contends that there are approximately thirty-five species of trees which are commercially known as "virola." Pl.'s Br. at 5. However, Plaintiff at no time identifies those species, and none of the affiants or deponents whose testimony Plaintiff places before the Court identifies them.

Plaintiff argues that it is not required to identify the thirty-five "near species," other than to show that "sumauma," "faveira," and "amesclao" are among them, because this suffices to satisfy the requirement that its commercial meaning be "certain of understanding." See Pl.'s Resp. at 20, 24. On the contrary, however, to the extent that the terms used in the HTSUS are meant to enable a Customs officer to classify a good, a definition that includes "approximately thirty-five" otherwise unnamed species of wood, without more, cannot be considered definite. Inasmuch as the definition inherently includes unknown species, it cannot be "certain of understanding" for purposes of administering the HTSUS.¹⁹

Finally, Plaintiff has failed to make an initial showing that its purported commercial designation would apply to the merchandise before the Court. Plaintiff effectively concedes that the wood names listed on its entry papers do not in fact reflect the actual species composition of the entries, but were chosen for regulatory purposes. See Pl.'s Br. at 5, 8. In other words, Plaintiff's entries may not consist entirely of "sumauma," "faveira," and "amasclao," the three woods that Plaintiff asserts are known commercially as "virola." Certainly the true identity of the outer ply is unknown. If Plaintiff is unable to identify the species composition of its entries, it cannot make the necessary threshold demonstration that the entries could be classified under a commercial designation that is based on species identification.²⁰ Plaintiff has failed to produce evidence that the

¹⁹ Plaintiff apparently relies again on the notion that it need not put forth evidence with regard to merchandise not actually before the Court, and relies on *United States v. Fung Chong Co.*, 34 C.C.P.A. 40 (1946) for the proposition that it need not show what is excluded from the meaning of a tariff term, but only that its merchandise is included therein. See Pl.'s Resp. at 24. *Fung Chong Co.*, however, involved the failure to prove a commercial designation of the term "orange." The Court there held that in the absence of proof of the term's meaning, testimony that the merchandise at issue was excluded from the term was insufficient to establish commercial designation. *United States v. Fung Chong Co.*, 34 C.C.P.A. at 44. Certainly, *Fung Chong Co.* does not help the Plaintiff here. Here, Plaintiff's refusal to identify the species on the basis that they are not before the Court is not sufficient where Plaintiff seeks to include these species in its purported commercial designation.

²⁰ Given the nature of the evidence in this case, Plaintiff's insistence on a commercial meaning predicated on species appears particularly problematic. Plaintiff did not advance a commercial meaning of "virola," that, rather than emphasizing particular species, emphasized certain qualities of the wood, such as its durability and strength. The affidavit and deposition evidence from Plaintiff's witnesses coalesces far more strongly around the idea that "virola" refers to wood of certain physical characteristics, rather than wood from certain species. See Bennett Aff., Pl.'s Ex. 2 para. 4, Heitzmann Aff., Pl.'s Ex. 5 para. 6, Stadelman Aff. II, Pl.'s Ex. 3 para. 2, Rego Aff., Pl.'s Ex. 7 para. 4, Hall Depo., Def.'s Ex. E at 67, Rego Depo. I, Pl.'s Ex. 9 at 67, Rego Depo. II, Def.'s Ex. B at no. 10. Consequently, Plaintiff's

merchandise contained in its entries is encompassed by its asserted commercial designation of "virola."²¹ Accordingly, Plaintiff, having failed to meet its threshold burden of proof on its motion for summary judgment, has failed show that it is entitled to judgment as a matter of law.²²

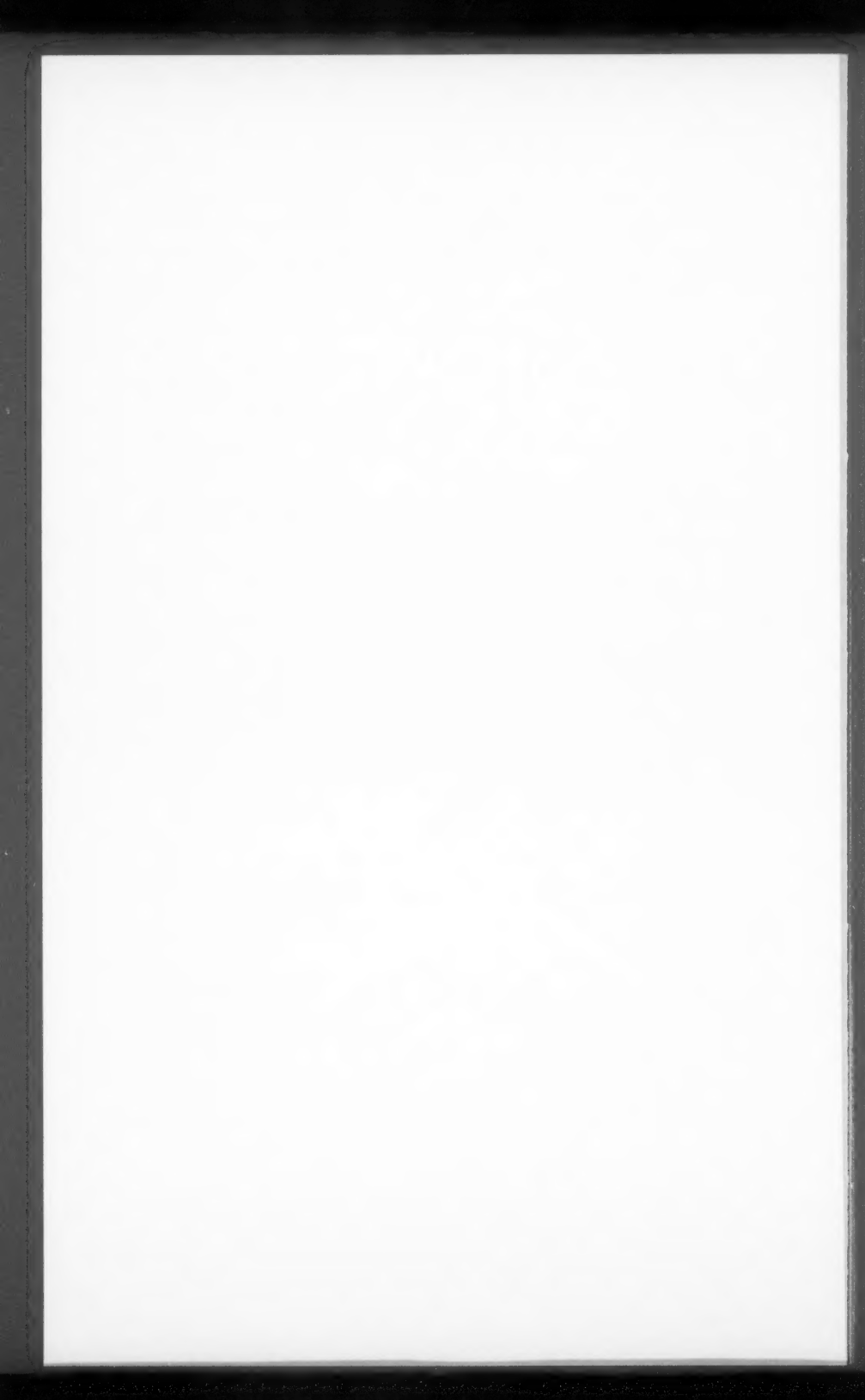
CONCLUSION

Plaintiff has failed to produce sufficient evidence which, even drawing all inferences in its favor, could demonstrate the existence of a commercial designation for "virola" that is definite, general, and uniform; moreover, Plaintiff has failed to adduce proof demonstrating that its merchandise would be embraced by the commercial designation it advances in this litigation. Plaintiff has failed to show that it is entitled to judgment as a matter of law in this case. Plaintiff's motion for summary judgment is therefore denied, and judgment is entered for the Defendant.

insistence on a commercial meaning based on species exposes this basic fault in Plaintiff's proof: although the actual species makeup of the wood at issue is unknown, Plaintiff still contends that it is made up of approximately thirty-five species known as "virola," rather than wood of a durability, or color, or strength which could mark it commercially as "virola."

²¹ Plaintiff points the Court to *Neuman & Schwiens Co. v. United States*, for the proposition that its evidence is sufficient to carry its burden on summary judgment. See Pl.'s Resp. at 25-27; *Neuman & Schwiens Co. v. United States*, 24 C.C.P.A. 127 (1936). The evidence in *Neuman & Schwiens Co.* consisted of ten witnesses for the plaintiff who all testified that plaintiff's product was commercially known and sold in the trade as "sauce." *Neuman & Schwiens Co. v. United States*, 24 C.C.P.A. at 132-33. None of the witnesses contradicted each other, nor were any witnesses who testified to the contrary produced by the government. See *id.* at 129-130. In this case, Plaintiff has likewise produced a series of statements by witnesses who have no particular contradictions in their testimony that "sumauma," "faveira," and "amasclao" are all commercially known as "virola." The government has produced no affiants or deponents to contradict the evidence of Plaintiff's witnesses. In *Neuman & Schwiens Co.*, however, the definition of "sauce" was clearly established by the witnesses, and shown to be general, uniform, and definite with regards to the wholesaling of "sauce." This case is clearly distinguishable. As laid out above, Plaintiff has failed to show a commercial meaning of "virola" that is used generally and uniformly by wholesalers of that good, and moreover has failed to provide a meaning which is "definite."

²² The Court's disposition of this case renders moot Plaintiff's motion in limine to strike exhibits and Defendant's motion to dismiss in part for lack of subject matter jurisdiction. See Pl.'s Mem. Supp. Mot. in Limine to Strike Exhibits; Def.'s Mem. Supp. Mot. to Dismiss in Part of Lack of Juris. & Cross-Mot. Summ. J. at 6-8.



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